

THE 13th JUROR

THE
INSIDE STORY
OF MY TRIAL

BY STEVE NELSON

THE 13TH JUROR

From the collection of the

o Preinger
v Library
t p

San Francisco, California
2006

A Word to the Reader

It is with pleasure that the Committee to End Sedition Laws brings you this special edition of *The 13th Juror*, by Steve Nelson.

I first met Steve on the Jarama front in Spain, eighteen years ago, when the forces of democracy—which included 3,500 American volunteers of diverse national, political, and religious backgrounds—joined with the heroic Spanish people to stem the fascist interventionist armies of Francisco Franco, backed by Hitler and Mussolini. I learned then, on the field of battle, the caliber of Steve Nelson.

I am proud to join hands with him again today in the continuing fight which Steve is waging to defend democracy at home, a fight of vital concern to all Americans. The Supreme Court of the United States has been asked to re-impose the 20-year sentence overruled by the State Supreme Court of Pennsylvania, which freed Steve. It is because this book tells the entire story of Steve's trial and conviction under the Pennsylvania "sedition" laws, and the additional sentence imposed on him under the Federal Smith Act, and because to an important degree the outcome of Steve's fight depends on the support of enlightened public opinion, that we send you this book and urge you to read it.

We are confident that you will share with us the excitement, the anger, and the exaltation we felt when we read this book, that it will affirm for you, as it did for us, the simple truth that the good fight for freedom must be won not only on the bloody field of battle in a far-off Jarama, but here at home, in unremitting struggle to preserve our constitutional liberties and freedoms.

The case of Steve Nelson is the case of the American people—it is your case.

ALLAN D. MCNEIL, *Secretary*

Committee to End Sedition Laws
Room 212, Forbes Building
Pittsburgh 13, Pa.

THE 13TH JUROR

The Inside Story of My Trial

By STEVE NELSON

MASSES & MAINSTREAM: *New York*

Copyright 1955 by
MASSES & MAINSTREAM, INC.

Second Printing, July, 1955
Third Printing, October, 1955



A MASSES & MAINSTREAM PUBLICATION

Published by Masses & Mainstream, Inc.

832 Broadway, New York 3, N. Y.

April, 1955

Contents

	<i>page</i>
Foreword to Second Edition	7
1. From Iron City to Blawnox	11
2. I Meet Napoleon	14
3. The Brain Trust	19
4. The Walking Skeleton	24
5. "Dinner" at Noon	35
6. Turning Slop Into Pork Chops	40
7. Cell P-47	43
8. "Must Have a Riot"	46
9. Rags to Riches in the Morgue	52
10. The Boxer in the Hole	54
11. Wino Was the Judge	59
12. "Don't Call Me Shoemaker!"	62
13. In the Hole on Bread and Water	69

14. Penicillin Cure on the Concrete Bed	79
15. Something Else But Beans	92
16. Interview on the Shelf	105
17. "Bring Him to Court Dead or Alive"	110
18. Looking for a Lawyer	118
19. I Refuse to Pay for the Rope to Hang Me	125
20. Jurors—A Figleaf for Crime	132
21. Law Course—the Night Before the Trial	137
22. "The Commonwealth's Case"	140
23. The Three Democrat-McCarthyite Judges	146
24. "Those Books Are More Dangerous Than Firearms"	155
25. "Use Your Finger—the Tool of Your Trade"	171
26. "Are You a Little Nervous, Mr. Witness?"	180
27. My Witnesses	186
28. On Your Conscience"	208
29. "This Will Teach You How to Vote!"	211
MY CLOSING ADDRESS TO THE JURY:	213
Postscript to Second Edition	253

Foreword to Second Edition

Despite the cold silence accorded this book by newspaper editors and book reviewers, and the studied pretense that it does not exist by those it names as principals, the first edition has run out. Despite the calculated intent to consign it to the paper pulp heap, it has reached thousands in this land while overseas a number of translations are in preparation.

It is not because they lacked copies of the book that editors of key newspapers failed to review or even mention it. I personally gave it to editors of large papers in Pittsburgh, Philadelphia, and New York. When I visited them I had the editors or reporters read the short chapter describing how one of the jurors at my trial was beaten up, and I waited for their comments. One comment was "Hmmm," and a puzzled silence.

"Does it rate a news comment if not a review?" I asked.

"It rates a comment, sure, but I have to see."

"Okay, you see," I said as I left.

One newsman in a large editorial office picked up the book and looked at the cover, then said, "I bet I know who the 13th juror is. It's us, the press, isn't that it, Steve?" The newsmen around him agreed, "Yes, it must be us."

The New York Times book reviewer read the chapter on the beating of the juror and closed the book with a silent shrug. Two months later I wrote the *Times* to return the book since they were not reviewing it and I could put it to better use. They sent it back with a letter, ". . . as per your wish."

Another editor of a large paper told me, after reading the chapter, "We get our book reviews from the *Saturday Review*—almost all the papers do that nowadays, it's less troublesome—so I may as well tell you, Nelson, we won't review it." The *Saturday Review*, although it too has the book, has yet to tell of its existence.

On the other hand, the progressive and Left papers and magazines greeted *The 13th Juror* with great feeling, praising it as a piece of writing as well as for the story it tells. And many individuals wrote to me personally as well as to the Committee to End Sedition Laws, expressing similar sentiments.

There were criticisms of the book's weaknesses also. They were directed at my assumption that the reader is as familiar as I am with the facts, and at times it becomes difficult to follow the various trials and arrests. These criticisms are correct. If it weren't for the problems of time and money I would readily make some needed changes. Having neither money nor control over time—judges and prosecutors control that—I hope that the explanation which follows will be of help.

This book deals only with the *second sedition trial*, which ended in January, 1952. It was then that Judge Montgomery gave me a twenty-year sentence which was later reversed by the Pennsylvania Supreme Court by a vote of five to two—a decision which my opponents hope to overturn by appealing to the United States Supreme Court.

The first sedition trial took place in 1951; my friends Andrew Onda and James Dolsen were convicted, but I was severed from the case because of an accident.

While I was still convalescing, the Federal Government arrested me under the Smith Act along with Onda, Dolsen, William Albertson, Irving Weissman, and Ben Careathers. *The 13th Juror* contains but few references to the Pittsburgh Smith Act trial. A fight developed between the state and federal officials as to which trial should come first. The local McCarthyites, headed by Musmanno and Montgomery, won—so the *second sedition trial* took place first, as this book describes. I served the stretch in Blawnox between the second sedition trial and the Smith Act trial. The latter, which followed in 1953, resulted in an additional five-year sentence for Dolsen and me, making a total of twenty-five years.

I hope that this brief explanation will keep the chronology of the three trials in focus, and make up for some of the shortcomings in the first edition.

Steve Nelson
Pittsburgh, Pa.

July, 1955

*To my very dear friend,
the late Robert Minor,
who contributed so much to expose
this and other frame-ups.*

1. *From Iron City to Blawnox*

"Nelson, pick up everything—to go!" a trusty yelled down Range 19 in the Iron City jail, where I had been since June 26, 1952: the day that Judge Montgomery had handed me a twenty-year sentence for "sedition."

I wondered what was up. The judge had ruled that I was to be held in the county jail while appeals were pending and the fight for bail went on. Now, after just six weeks, I was told to "go."

As I came to the checkout point, the guard on the other side of the barred and screened door yelled, "One to go!" The door opened and I stepped into a "cage" with my belongings, mostly letters from friends, books, and a few clothes.

Then the search: every little item is scrutinized; each book is leafed through; seams of clothes are felt and turned inside out.

One of the guards, examining foreign stamps on my letters, said, "Australia—hmm—Iron Curtain country. That where you get your fan mail from?"

"Read it again, you'll notice that the stamp you are looking at is from Australia."

"Well, isn't that what I said?—Australia—an Iron Curtain place."

There was too much going on to bother answering him. All traffic in and out had been stopped. The prison chief, a large man with snow-white hair, formerly a mounted cop who had clubbed strikers and the unemployed in the early 30's, was acting very important, "directing" activities. Actually he didn't have to budge—everything was done almost automatically by the guards, since the routine never varied. But the chief was "busy" today for an obvious reason: with newsmen and photographers around he had to show how he was handling this "dangerous criminal." So he really gave orders. "Stop!" he yelled to a guard who was about to open the inner door and come to his aid. "Keep that door shut, don't let anyone in or out." Then he wiped his face and looked toward the

outer door where the sheriff and his deputies stood. Finally he walked over to check the papers that the sheriff had pulled out of his inner pocket and laid on the counter. As a rule he never read the official papers—it was someone else's job. When he had finished with that, he went over and stood nervously at the window, as if waiting for a signal. Presently he shouted to the guards and sheriff's deputies, "Okay—one to go!" The deputies replied, "Okay—one to go!"

"Your name?" a guard asked me—a foolish question since the guards had called me by my first name from the time I had been in this jail, over and over, since I was first arrested on August 31, 1950. He repeated the query with a cynical smile, and I said, "Nelson."

"Your full name?"

"Steve Nelson."

"Okay, take your man, Sheriff."

Out came the handcuffs, my hands were extended for them, but then they were suddenly put back in the deputy's hip pocket and, instead, the chief deputy took out a large leather and iron reinforced belt about four inches wide and a half-inch thick, put it around my midriff, and snapped the handcuffs hanging from the belt onto my wrists. Both warden and sheriff signaled the guards on each side of the door and the two large iron keys clanked and ground. The doors opened. I stepped out with several deputies around me, and we descended the granite steps toward the street facing the back entrance of the courthouse.

Cameras clicked and flashed. TV photographers had the klieg lights turned on, for it was too dark otherwise to take pictures in front of the Iron City jail. The score of Mellon buildings leaned over the county courthouse, darkly shadowing the area around it.

People filled the courthouse steps, though it was an unusual hour for city office-holders and bureaucrats to show their faces. There was no mistaking the character of this crowd. It was the same that had been called out by Judge Musmanno or Montgomery or the gang titled "Americans Battling Communism" to jeer and boo at me and my friends on other occasions. Just as before, two old women who worked as clerks for the county tax office yelled, "Why don't you go back to Russia?" I looked straight at them. One of them glanced back to see if her boss was watching and approving

her actions. The other one shouted, "You Communist dog—see how you'll like the Workhouse! It's a good place for you."

I recognized a bloated, blond young fellow with a crew cut, wearing an old army raincoat, one of those who had tried to provoke my friends in the courthouse corridor during the trial and who had carefully bowed to Musmanno and the stoolpigeon Cvetic as they passed by. Everyone who saw him had to take notice that here was an important person. Today he was yelling and gloating: "This is the last ride for you, you Commie bastard!" Others, too, were shouting, but not many. I remember every person who yelled—the imbeciles and the stuffed shirts, the ones who had found this was the best way to prove their "loyalty" and "Americanism." The others stood around looking nervous. One newspaperman who knew me looked on with glassy eyes. Most of them knew me, but this morning they were silent—no questions or comments.

The sheriff's car started. The cameras ground. Cross traffic was stopped. And we left the granite-stone jail on Ross Street behind us—headed for the Workhouse at Blawnox.

The sky was overcast and smog hung heavy over the streets. The smell of sulphur filled my nostrils, and I didn't have to be told that the steel mills were working full blast—on Korean war orders, no doubt. The cars went up the boulevard by the Pennsylvania Station. The Allegheny River and North Side of the city came into view. In the distance I could see U.S. Steel's Isabella furnaces in Etna, their reddish yellow smoke billowing from the blast and open-hearth stacks, filling the valley over the Allegheny River with fumes and smoke.

After a moment of silence the deputy said, "You live somewhere around here, don't you, Steve?"

"Yes," said I. "Right on top of the hill here; we just passed the school my children go to."

"Is that right? What a shame." And he turned his face.

"Yes," I went on, "some teacher is telling them, perhaps at this very moment, that we are fighting for democracy and freedom in Korea, to think and speak as we please without fear. I am a good example of that." I looked at my handcuffs.

The deputy made no comment. I turned once more to look back at the hill where my wife and children lived, at my "home."

It is slightly over the hill, just behind the tall houses and trees, but the general direction is unmistakable, for we live on the highest point in the county, as my Bobby and Josie used to tell people. There is a water reservoir there and an old iron flag pole. I kept craning my neck to get a good glimpse of it.

I remembered a time not long ago when I had sat near the wall around the reservoir while Josie and Bobby ran a race around it. When the Korean War broke out, we could no longer sit there. The so-called Civilian Defense had raised an alarm that someone might poison the water—after all, we had to be impressed with the fact that we were “at war.” The last time I had seen the reservoir was during my trial. At that time I didn’t know that the walks around it were “off limits” until a man stepped out of the little guard house and yelled at the children and me, “Hey you, stop! Who are you? I have a notion to take you in.” A chill went through me. The children looked bewildered; they knew the man and he knew us—why did he want to “take me in” again? I got really worried, for I could see how this situation might be used for a new, easy frameup: all that a newspaper or some stalwart of the local “Americans Battling Communism” need say was that I was “found loitering at the city water reservoir.” And if just one witness would swear that some “stuff” was found in the water that night, the cry would go up: “Spy! Saboteur!” The electric chair. . . . Well, it hadn’t happened. It was one nightmare that hadn’t come true. The trouble was, there were so many that weren’t nightmares at all, but part of real life in America today.

2. *I Meet Napoleon*

The old gray walls of the Workhouse stretch endlessly, rising high as the grounds dip toward the Allegheny River, and are capped by castle-like pieces of architecture. These were not built for mere decorative purposes, although they are symmetrically spaced. They serve as guard houses, and from them juts a faceless man with a rifle. In the long wall at the far end, overlooking the river and valley, there is only one break: the “gate.”

I was led behind an iron door and my "chastity belt" was removed. The deputies who brought me exchanged papers with the man at the gate, an apparently speechless creature but wearing an important air. There were two gold bars on his black elevator-operator's cap, which was tilted to one side. When he finally opened his mouth, his first words were: "Yes, take the belt, he won't need it for a good while."

The deputies left. The inner door opened before me, and the "man" motioned me in: "Stand up against that wall and wait." I entered a corridor about as large as a good-sized hall, with a skylight window some twenty-five feet overhead. I stood leaning against the white tile wall. For a moment I thought I was alone, so soundless were the men passing back and forth. I looked to see if I could recognize any of them. They moved along like ants, uttering not a word—glancing curiously at me, the newcomer in "street clothes." They were all dressed in dirty gray, patched, shapeless pants and shirts, the shirts a little cleaner but just as patched as the pants.

A prisoner passed nearby. I spoke to him to find out whether he knew a certain man I had met in the county jail. He looked at me with frightened eyes and didn't answer. Maybe he was deaf? I was about to ask the same question of the next man who passed close to me, when the "man" spoke up from behind the iron cage.

"Don't talk, do you want me to put you in the hole?"

"No, what did I do?"

"You're trying to be smart, Nelson. I know your kind." He gave me a cold look. "You're in jail now, mister, and don't forget it."

Out of the guard's sight a prisoner stood in one of the narrow but deep doorways and made motions for my benefit, holding one hand over his mouth, gesturing with the other and with his head, as if to say, "Don't, don't, don't speak." Finally he whispered loudly, "Buddy, don't talk; they'll throw you in the hole," and disappeared into the catacombs.

I got tired and impatient, leaning against the wall. Although I knew there was nothing good in store for me, it was hard to stand and wait this way. I shifted from one foot to the other.

A large-bellied young guard, who smelled of perfume, appeared from one of the catacombs and motioned, "Hey, you, come along."

I followed him down a pair of narrow concrete stairs, just wide enough for one person, which led to the barber shop and shower-room below. About twenty men, all looking alike in their shapeless outfits, were going through the motions of their "work." They looked at me and at the young guard, whose nickname was "Buck," and he scanned them with an animal hatred. They kept on working, shaving and cutting hair, without a word. A sign, "DON'T TALK," hung over the desk where the guard seated himself, pulled out a pack of tobacco, and stuffed his big mouth full while he surveyed operations. His eyes fell on a tall Negro youth who was splashing under the shower and using a small rag to scrub himself. Buck went up to him and said, "Hey, you, where did you get that rag?" The prisoner stepped out from the shower and said, "Oh, I picked it up in the rag shop where I work. Why? Is there something wrong, sir?"

"You'll learn what's wrong soon enough." Buck scribbled on a piece of paper and added, "Nine days in the hole will teach you not to take things that don't belong to you."

As I returned from the shower, the guard said, "That's your stuff there," pointing to an old Navy duffle bag with a stick about two inches wide and eighteen inches long. My name, prison number and "20 years" were painted on the stick. "Your clothes won't keep that long," jeered the guard. "You might want to send them to your wife; maybe she can find better use for them."

"I'll just put them in the bag," I answered, my eyes riveted on the stick with the unbelievable words. It seemed that hours passed as I stared, though it was only a fraction of a minute. The guard saw to it that no time was wasted.

By now other men sat on the low wooden benches; they went through the same procedure as I had. Two more officials came in, and by Buck's behavior I could tell they were "important." The man in black, with the two gold bars on his elevator cap, was the boss of the place. He had various names, as I soon learned, among them the "General" and the "Hero"—the first because he was the boss regardless of who held the official title, and the second because it was said he had been wounded in World War I. His peculiar gait when he tried to walk fast was supposed to be the result of the wound. It was also said that he was receiving a pension for this disability. However, an old prisoner who was a vet of World War I

himself told a different story: that the General was cleaning his pistol and it went off, almost blowing off his big toe—just before his outfit had to go into action in France. He had got his job at Blawnox in the early '20's when he was an ardent Republican, but he made his peace with the Democrats and became one of their "regulars." Of all his nicknames, the one that stuck closest was "the little Napoleon." That I could easily understand once I saw him seat himself at his desk; he used a slightly elevated chair so that, while he was shorter than average, he could appear taller and take a really commanding view.

The other important personage was Mr. Black from the State Welfare Board in Harrisburg. He was important, if for no other reason, because he usually appeared once in a blue moon at this prison. However, he had begun to come around a little more frequently of late, partly because he had been appointed by a Republican governor and the Workhouse was run by a bunch of McCarthyite Democrats, and partly no doubt because of the increased number of riots in the various prisons under his supervision. Anyway, Mr. Black was here as I arrived to serve my twenty-year sentence.

He sat in a corner by himself. The young guard went through the routine: "How much money did you bring with you? Did you get your receipt for the eighty-four cents? . . ." He looked back to see if Mr. Black was listening. I discovered later that the guard was a little worried. It seems that he made a habit of looking over the clothes of new prisoners and if they were in good shape he took them to a pawn shop in Pittsburgh. This was done especially with the clothing of men who had three or more years to serve. A guard didn't have to worry about how to handle the situation a few years later; he was resourceful enough to meet any emergency. One day the guard told the General that moths had got into some of the clothes and, unless they were thrown out, all the clothes would be infested. With the General's permission he got rid of the garments. However, Mr. Black received a number of complaints from the inmates about the loss of their clothes, and that was what he had come to check up on. But of course he found nothing wrong with the guards. Instead, the men who wrote the letters were put in isolation for two months.

Now the General took over. The young guard placed a big black book before him and beckoned a prisoner to come forward.

"You," he said, "Stand there in the circle of that yellow light and don't slouch."

"What are you in here for?" the General demanded.

"Non-support."

"Oh, woman trouble. Well, we'll fix that. And what's your trade?"

"Coal miner."

The General looked over the young Negro miner and said, "Boiler room. Stand over there by that door until we get through and I'll take you to your job. You'll stoke coal in the power plant."

"Next!"

Another man stepped up: the procedure was the same.

"Next!" My turn. As I walked to the yellow circle I put my cap in the bosom of my shirt. It seemed that the young guard enjoyed teaching the prisoners proper manners, and his lessons usually opened: "Take your cap off, ain't you a civilized man?" This had happened with the prisoner just before me, and I decided not to give Mr. Emily Post a chance with me. But he was smart—he got up off his chair and came toward me, looked me over, and asked, "Hey, Nelson, didn't you get a cap?"

"I got one okay."

"Why don't you have it on your head?"

"Because I see you're not supposed to while in here."

The General evidently approved the guard's alertness, but didn't say a word. Mr. Black was just as silent.

"What's your name?" the General asked me.

"Steve Nelson."

"What are you in for?"

"Political prisoner."

"That isn't what it says here." He pointed to the commitment papers.

"What does it say, then?"

"It says sedition."

"It's the same thing, sir, only in other words."

"Oh, is it?"

"I don't know about that, but I won't quote law to you."

"How long a sentence did you get?" He looked at me as if he had never heard of me, and went through all the questions though the answers were in the papers before him. A sense of sadistic

satisfaction was written all over his flushed face. Finally, he said, "Put him in the chair shop. Put him on West Range, Cell P-47. Take him over to the chair shop and they'll assign work for him." He started to walk out, turned to Buck, and gave him a wink. Then he motioned with his thumb, indicating, "Move on, what are you stalling for?" Buck and his favorite runner, Bones, jumped as if struck in the face, and Buck started to give orders ("Let's go, you guys, what are you stalling for, I got work to do") while Bones, just like a little puppy dog, ran ahead to show the newcomers the way to the yard and the shops.

The General sat on his high chair and sternly observed the line of new prisoners marching by him, young and old, some upright and others bent and limping. Satisfied that he had impressed the inmates and Mr. Black, he hopped off his perch, tightened his thin lips, and joined the line, actually falling into step as we marched out of the shower room.

3. *The Brain Trust*

On the way to the chair shop, Buck stopped at his desk. There was nothing on it, not even a paper-clip, but he said with a serious air, "You guys step back against that wall. I got to check and sign some papers." Then he walked to one of the cells and picked up the morning newspaper, turned to the sports pages, sat down on his stuffed chair, and started reading.

The men standing against the wall exchanged words in low tones. Buck raised his eyes over the paper and yelled, "Didn't you go to school? Don't any of you know how to read that sign above you?" He got up and walked over to us, spread his legs, and continued to look straight at me. "We'll teach you to listen and we'll teach you to obey the laws. I know your kind, it would be a better world without your kind, anyway."

He kept on looking at me. I knew better than to say anything, although, as it happened, I hadn't been the one who had talked. Since there wasn't a peep from anyone, Buck walked back to his

chair, his beer belly sticking out a little more proudly than before. The "talking" went on anyway but behind a shielded mouth and in a tone too low to reach him.

The prisoner Bones "knew everything." His talk impressed no one. Right now he was trying to show every newcomer that "This is the way an old 'con' talks." As he turned his face toward the wall and spoke out of one side of his mouth, his pale blue eyes rolled and winked and his flabby lips twitched. We knew he was one of the administration's stooges. I had heard about him while I was still in the Iron City jail and I warned the few newcomers. We just let him run on. Even his skill at talking out of the corner of his mouth didn't prevent Buck from catching him in the act, but the guard made no move. That seemed to annoy Bones, a little anyway, for it gave him no chance to swear at Buck—under his breath, of course—which might have made him a "ripe con" in our eyes. Instead of respecting him, the newcomers began to regard him as nothing but a "punk"; and "punk," in Workhouse vocabulary, is the strongest expression of disgust and contempt for a human being. Its strength, as a rule, is emphasized by preceding adjectives such as "lowdown" or a four-letter word. I soon found out that both "punk" and the adjectives were well pasted on Bones. Before newcomers, who hadn't yet learned this, he made a point of applying the term to others, as if this would take the stigma off himself.

"There is a punk for you to see, if you know what I mean—a rotter and a stoolie going over to Buck. His name is 'Diamond Joe.' He runs the numbers racket in jail and outside for Buck. They got a good little racket and make a nice piece of change out of it. They say Diamond Joe gets a good cut because he got the connections outside and he's the one that's got the brains. Buck is too dumb. But the General likes him. Buck is in with his ward chairman and his ward chairman is right in with certain judges and county officials running this place. . . ."

The torrent went on: ". . . And don't you think that Diamond Joe eats crap—he eats good crap, not the stuff we have to eat. He gets good crap brought in from the outside. Just yesterday the warden's chauffeur drove in the station wagon and left the door open. One of Damond Joe's boys stepped up and took a package out while the guard stepped out of sight. Fifteen minutes later,

Diamond Joe and Beer Belly were eating Limburger cheese sandwiches on hard rolls."

One of the prisoners gave Bones the fish-eye as if to say, "Punk, stop talking," but Bones wouldn't let up: "You just watch and see when you go down to eat that crap. . . ."

"Is that all you ever eat in this place? 'Crap'?" one fellow shot over to Bones. "I'm sick of you calling food by that name. I don't like it, see?"

"Okay. Don't get sore, chum," Bones answered apologetically. "I ain't the only one who calls it by that name."

"Okay, okay, don't call me chum. Just call me Boxer." To the rest of us the indignant prisoner announced, "They usually call me Nick the Boxer."

Now I knew the reason for the cauliflower ear and the boneless nose on the man's otherwise well-shaped face. The Boxer, I was to find out, had had a hectic life. Brought up in a coal-mining area, he worked in the mine when he was only fourteen and, while still very young, had had an accident in which he touched a live trolley wire. It impaired his speech and hearing. He left the mines when he refused the company's small compensation offer, and took up boxing, keeping it up until he went into the Army at the age of thirty. Now he was thirty-eight, "ripe" and paunchy, powerful but slow, but still a boxer at heart. Bones annoyed him because the Boxer disliked a weakling and because he was offended by the stooge's constant profanity. In his younger days the Boxer had used profane language too, but in the last few years he had become an active Seventh Day Adventist and now he was pre-occupied with "learning wisdom" and using clean language "like a gentleman."

Buck came over and tapped the Boxer on the shoulder. "I see you been talking again. If you know what's good for you, you'll keep that big mouth of yours shut. If I catch you talking once more I'll put you in the hole."

"Sir"—the Boxer cupped his ear—"were you saying something to me?"

Buck looked flabbergasted. What amazed him most was that the man had moved forward so that Buck had to step back to avoid having his big belly right smack against the Boxer's. Buck retreated: "Did you say you can't hear? Okay. Okay, then." And

he went back to his stuffed chair, propped his feet high, and spat a mouthful into a long iron spittoon in the corner.

"All right, let's go," said the guard loudly.

"Let's go, you guys," repeated Bones.

"Where to, man?" asked the Boxer.

"You'll see, you'll soon see," replied the guard.

Bones led the gang of new prisoners out of the building into the yard toward the shop. Buck walked ahead of the single-file column.

There in front of us stood a small booth with an overhanging roof and windows on all sides like a railroad watchman's shack—the yard guardhouse. One of the guards, a large man with stooped shoulders, a big nose and a black pencil-line mustache over lips so thin as to be almost invisible, took the slip of paper that Bones handed him and looked at the new inmates. He did not utter a word. This man had a nickname, as did all the guards and officials in Blawnox. He was "Hollywood." At one time he had actually gone to Hollywood to get a role as a roughneck, gangster, mobster-type character. He even managed to pass a screen test. But, it seems, he couldn't read well enough to learn the lines of his role. However, that wasn't the reason *he* gave for leaving this "glamorous life" which, according to him, was too full of women, fast living, and income-tax problems. "What's the use of making a lot of money when it all goes to the government and to women!" A small circle of cronies believed and admired him, while there were others who would listen to his tales and in return get some little favors from him. But to the rest of the inmates he was known as an ignorant fool and a vicious sadist who would brandish his blackjack at the least opportunity. All of the guards had long-handled, leather-covered blackjacks that they wore on the right side of their trousers in a special pocket which reached down to their knees. Some had a little safety strap with a snap button to keep it firm, but Hollywood did not use that—it might make him slow on the draw. He was hated by nearly everyone and feared by quite a few.

I got to learn about guards very quickly—guards in general and specific guards. One of the first things I learned was that a guard is never wrong, no matter what. The administration's "court" settles everything in his favor—especially if he is one of the ruling

clique. Yet very few guards remain long. Despite the "easy work" and the many opportunities for a go-getter to supplement his income, the turnover is surprisingly high. After all, how many men can stand the depravity—the crookedness, degeneracy, and complete lack of human dignity—in a place like Blawnox, which is supposed to "reform" and "re-educate" prisoners?

The man standing with Hollywood at the guardhouse was "Big Shot," boss of the furniture shop. He had formerly worked as a plant guard at a steel mill, but when the company was forced to sign a contract with the union it had to let him go because of his brutal record of beating pickets at the mill. He became a fixture at Blawnox. First he was the guard on the Wall, where he shot and killed prisoners without provocation. That got him promoted. He was taken off the High Wall, which is cold and uncomfortable at times, but not before he had earned his nickname, one that he bore with pride.

Big Shot was a constant visitor at the guardhouse, as were the General and his loyal assistant, "Wino." "Wino" was the nominal power in the place. He ran the show officially, even though he was a comparative newcomer, because he was closest to those who had the actual responsibility for the patronage of the county machine. Wino knew how to play his cards right, even better than the General who practically owned the place, for Wino couldn't think of the place at all without thinking of himself. The General really disliked him but, despite his own "long experience," always seemed to bow to him as the official boss. Although much older than Wino, he wouldn't even sit down in the latter's presence until he had been asked to; and Wino, knowing the General's dislike and jealousy, often "forgot" to ask him. So it seemed that the General preferred to meet Wino at the guardhouse, where neither could sit down.

This was the "Brain Trust" of Blawnox. The inmates used to refer to them as the "mental zeros." They would stand at the open ditch chewing and spitting, making talk, playing around at their "work," which usually included ways and means of asserting their authority. This last they took very seriously, since they were the pillars of society, protecting "our way of life."

As we passed them this first day, I noticed they were looking me over closely and talking together in low tones. Big Shot relieved

Buck and led the way to a concrete structure two stories high. A pair of steps led up to the second floor entrance. On the lower floor, in a small room, eighty-odd men were packed together. This was the rag shop. Here prisoners cut rags for the manufacture of rugs, one of the "most useful" products made in this jail. Most of the men were Negroes and they worked on a "piecework basis," which meant that each prisoner had to pick over so many pounds a day. Their reward was to avoid spending a stretch in the hole.

As we went by I looked in to see if I could recognize some men whom I expected to find there. Immediately someone grabbed my shoulders and spun me around so that I nearly spilled down a half-length of the two-story stairs. I grabbed the iron railing just in time. The blow had almost knocked me out. Big Shot snarled, "I'll teach you to keep your nose to yourself! Don't you know you're in the chair shop and can't have anything to do with the rag shop?"

"I didn't know one couldn't look in there," I protested.

Men looked on in surprise but minded their own business, going on up the stairs. I walked up behind them. Big Shot's last words were, "I'll teach you something before I'm through with you, Nelson."

4. *The Walking Skeleton*

Big Shot knew my name before we had ever met. I knew his, too. Back in the county jail I had heard of him. A prisoner who had spent some time at the Workhouse told me about the special reception committee that was waiting for me there. It was headed by Big Shot. "If I get hold of Nelson," he had said, "he won't serve his twenty years! He'll hang himself on the bars before two years are up."

Our meeting on the concrete stairs was just the beginning. Not only was he on the "reception committee," he was the boss of the furniture shop where I was assigned to work.

As the shop doors opened, a bell rang and about fifty men turned towards the door, reacting to the sound like trained seals. The bell broke the monotony. Its "ping" could mean that some-

thing new was happening: a letter from home . . . or maybe a money order. One would have to go to the library to sign for it, and that would take all of fifteen minutes—a break in the damnably long day. Or it might be a letter from the Parole Board which would bring one closer to the “street.” (In jail, the word street has the meaning of “heaven.”)

The shop was an old structure, a block long and half that wide. Its work spaces were arranged so that the men worked fifteen feet apart, reminding one of a cow barn. The noise of the machinery—power saws, drills, turners—made it impossible for workers so far apart to hear and understand one another. There was the smell of steamed wood, glue and tobacco spit and sweat. Almost all of the men chewed because it was forbidden to smoke in the shop. The sweat stank more than usual because there was no ventilation and because the prisoners could bathe only once a week. The gray shirts were more or less clean for they were changed weekly, but the pants had to be worn a month and they showed it, especially in the seats.

Near the door stood a raised platform with a dirty glass-topped desk and two high arm chairs flanked on each side by three-foot high spittoons. In one chair sat a skeleton-like figure of an old man with small, piercing black eyes set deep in a shrivelled, ghost-like face. Eighty-six years old, he was the foreman of the shop and had spent fifty-three years of his life in this place. His name was Bill Mauser, but here he was “Skeleton.” Everybody at one time or another had listened to Skeleton’s story of how he had made chairs when he was only twelve years old “back in the old country.” He had come to the United States when he was fifteen and had worked ever since in prisons—not many prisons, to be sure, for old Wilhelm wanted you to know that he was no “drifter” or “bum” like other people in prisons. He had worked in only two other jails before he got to the Workhouse back in 1900. One soon learned that he designed every piece of furniture produced in the prison and that many of his products had been used as models in other United States “institutions.”

“The furniture I designed thirty to forty years ago is still the standard product of this shop. That’ll tell you something, won’t it, boy? And now, I’ll teach you how to make a chair.” He turned to the guard as if to ask for approval and said, “That is, I am in

charge of production and the guard here is the boss. I mean, he sees to it that order is kept."

The guard said, "Joe, put them to work!"

"Okay. Where do you suggest we put this fellow?"—pointing to me, although there were other men in front of me.

"Put him right there." The guard pointed to a spot fifteen feet away from his high chair so that he would have a clear view of me.

"Yes, that's the spot for you. I was just thinking of that spot myself," the Skeleton said, managing a sly wink as he twisted his scrawny neck.

The Boxer was put in the nearest open spot behind me about fifteen feet away.

Busy inmates worked at their jobs with precision. A man was assigned to teach you what he knew, but the teacher also initiated the newcomers into prison life. The work required experience and skill and it was evident that our instructors had been here for at least three to four years. It is true, though, that a few of these "pushers" got their jobs by a drag, a special favor from Big Shot or the Skeleton. There were a half dozen such pushers but not a single Negro among them, although nearly half the inmates were Negroes. While the pushers had to eat the same food and undergo the same restrictions as other prisoners, they could get little favors from the guards. For example—as a pusher described it—one of the guards for the past five years had sent "a very nice twenty-five cent Christmas card to my wife." This made the particular guard "a man with a heart, but unfortunately he ain't here anymore."

The Negro prisoners disliked the pushers and, to a man, hated the administration. "Not only are we shoved around out on the street," a Negro inmate told me, "but even in this place, we get the same treatment."

The Skeleton rose from his cushioned chair, where he had been sitting motionless except for the constant roving of his little black eyes, the twirling of the thin walking stick which swung back and forth like the pendulum of an old fashioned clock, interrupted by periodic spitting of tobacco juice that nevertheless dribbled constantly at the sides of his mouth, over his chin, and down over his sharp Adam's apple.

He stepped off the platform and walked around the full length of the shop. Drawing near me, he eyed me up and down, and said,

"Nelson, you got a long time to spend here, you just as well learn how to make a good chair, hee, hee—think you can make one? I suppose you can. Now I don't care what a man is in here for—you know I never ask a man that. that isn't any of my business, but a man's got to produce or I'd just as soon put him in the hole on bread and water as not."

He stood so close to me that the terrible stench of chewing tobacco on his breath and the juice running down his throat made me feel as if my face was pressed against a spittoon that hadn't been emptied for a month. I stepped back to avoid the tobacco shower that sprayed from his mouth as he spoke.

"I see you were a carpenter and a cabinet maker. That should make you feel at home here, eh?—hee, hee, hee."

Shoving aside the pusher who had been showing me the ropes, the old skeleton started to weave. His skinny fingers moved fast; he wove the fibre without looking at what he was doing. "It's nothing, nothing at all, nothing to it, eh?" The fast pace exhausted him but he didn't quit until the pusher said, "There ain't nobody that can beat old Wilhelm at weaving even if he is eighty-six years old. You are eighty-six, ain't you, Bill?"

"Oh, yes, I'll soon be eighty-seven." He walked over to the nearest spittoon, emptied himself, went to the fountain for a few swallows of water, and walked back, continually chewing the same cut. The pusher said, "Did you see how he kept that chew in his mouth?"

"You know," the old man took his cue, "I actually believe the reason I've lived so long is because I've chewed since I was fifteen years old and I've swallowed a mouthful of that stuff at least twice a day all my life, eh."

"You know, Wilhelm, I believe you are absolutely right," replied the pusher, and winked at me.

The pusher had spent six years in this place, and he thought he could make better chairs than the Skeleton. He served as the "boss" when the old man was sick or on vacation, but neither the foreman nor the guard would give him credit or anything much for his trouble. Soon I found out that he detested both of them.

Skeleton watched me weave for a few minutes, then said, "You got a long time ahead of you here. You may as well learn how to make a good chair. You know what I told you, if you don't, I'll

have you thrown into the hole, so be sure to make a good chair and don't take too long making it, eh." He shuffled off, laughing his silly "hee-hee."

There is nothing more confusing than to be told to do something and to do it in a hurry when you haven't the slightest idea what it is all about. A wicker chair in the making is just a bunch of sticks, wires and fibre, all loose with hundreds of ends sticking in all directions. The Boxer seemed baffled and discouraged. He walked over to the old man to ask if he could be given a simpler job, sweeping the floor or carrying the heavy fibre, or anything. But the old man said, "We need chairs, they are not made by sweeping." The Boxer turned back. His expression kept me from asking to be changed to woodworking, which I could handle expertly. I didn't want to give the Skeleton the satisfaction of refusing me.

Mike, the old pusher, used to be a coal miner. He was called "Prospector" because he had gone West and to Alaska to try his luck at striking gold. He never tired of telling about his experiences. But the story of how he landed in jail was the one that everyone else liked to tell. The story goes—and no one knew its origin—that Mike was married several times in his younger days and always to "beautiful women," but (according to him) he quickly tired of each wife and had to find another, more beautiful one. In the course of his various marriages, a number of children came into the world. Mike was not sure how many, but his "sons" turned up everywhere—five in the Navy, three in the Air Force in World War II, two in Korea—besides a number of daughters, married and single.

Somewhere along the line Mike got into alimony trouble for "non-support" and since he had a hard time getting a job at sixty, his latest wife had had Mike put in the Workhouse. But that wasn't the way he told it. His story was that one of his earlier wives was determined to get him back and when she found it impossible, she swore out a warrant for his arrest and had him convicted of assaulting her with intent to kill. Anyway, he showed everyone pictures of his latest wife and bragged about how much she loved him, how she spent her hard-earned money to get him out. Another prisoner was showing pictures of *his* wife. When Mike and the newcomer compared pictures, lo and behold! they found that both pictures

were of the same woman. It turned out that Mike's "loving wife" had been married to the newcomer for a year, had a young baby, and had never bothered to let her former husband know. When old Mike learned of this, he tried to settle matters by a fight with the new prisoner and they both landed in the hole.

For all that, Mike was a likeable fellow. He had a lot of sense and experience. At one time he had been a union miner who knew the value of organization, but he had become disgusted and struck out on his own. He decided to make his way by using his wits, and it was by his wits that he operated here. He detested the Skeleton but kept it to himself. He hated Big Shot, but would do some favors for him. And when Big Shot, in turn, did things for him, he expressed his appreciation. Thus he was okay with everyone and had no obvious enemies.

As the Skeleton shuffled away, Mike glanced around and said, "You just look at the way I am doing this job, and don't act like we're talking. You have to be careful here, they are laying for you. Big Shot did his best to get you here and he got you. He's determined to put you in the hole before the day is over." The guard suddenly got off his high chair. "He's coming towards us. . . . When you want to form it into this shape, take your hammer and tap it in lightly. Be sure that you don't bruise the fibre, then you'll get the right shape. . . . That dirty rat told me to start you off wrong so that you'd mess things up and then he could bawl you out."

Big Shot motioned the Prospector to the front of the shop near the door and asked him, as I later found out, "What are you trying to do, teach that s-o-b how to make a chair the first day? Don't you remember what I told you? Why are you talking to him so much? Your yapper hasn't stopped since you went over to him. You want to land in the hole because of him?"

"I was just telling him how to make a chair. Isn't that what you want me to tell any man, sir?"

Soon I was left alone with a maze of mixed-up fibres staring me in the face. Where to start? Which one goes over the other first? Did I cut it too short? The other men looked on and some laughed at my predicament while others signaled directions to me. None dared to come over to me, although they would walk over to one another to exchange tools or borrow a nail or a staple.

I looked at the Boxer. He continued to talk to himself and shake his head while he held a pair of wire-cutting pliers in his hand. By going back and forth to the spittoon—a walk of three steps—he seemed to find relief from the atmosphere of tension. For tension there was. It was the same kind that the Boxer had faced when he stood before the cold-faced judge scribbling away with a pencil. At that time the Boxer's lawyer had made a speech which he had probably prepared in his law school days for such occasions, but the judge hadn't even listened. The Boxer had sworn under his breath: "The damn judge isn't even listening and is writing out my time. Oh, what's he going to give me? What'll it be? Will it be one year or five?"

Here he was experiencing the same deadly suspense. And it wasn't because the Boxer was a weakling. If any man could take their damn hole he could, for he was able to go without food for days. Many times in recent years he had gone on self-imposed fasts, believing in them as a "scientific" method for improving one's health. He read all the magazines on physical culture, plus dietary and medical pronouncements on the subject. Gandhi had also influenced him in this direction. But facing this new situation in the shop, the Boxer was nervous. Determined not to submit to the hole without a fight, he had openly vowed that it would take more than one guard to put him there. This soon became generally known, even to Big Shot. The Boxer made all the preparations possible to him to resist the hole. Two smoking periods of ten minutes each were allowed during the day, and he used these intervals to do some fancy footwork and shadow-boxing at one end of the shop with all of the windows open, stripped to his shorts. The sight of his powerful body was intended to keep the guards from messing with him. As the days went by, he became sure that the idea was working.

The Boxer was not the kind who liked to loaf. In his younger days in the mines, before his accident, he was always ready to take on the heavier jobs to spare his father and brother. If a car jumped the track and someone called, "Hey, give a hand," he was the first to respond, lifting the cars and putting them back on the tracks, often lifting more than two ordinary men.

As a boxer he didn't need much "management." He did what had to be done. In the Army he became a boxing instructor, did a

lot of boxing himself, and earned a sergeant's stripes in three months.

In time, my complicated maze of fibres began to look like a chair. Old Skeleton warned me, "Nelson, you're making a good chair but you are slow. You'll soon have to make the norm or I won't be responsible for what happens to you."

The Boxer was being pushed, too. But neither of us said a word to Skeleton. On that first day, the Boxer and I agreed that we would try to keep the same pace. No loafing, but no racing either. The Boxer keenly felt the injustice of prison labor. As he said, after all the years he had worked so hard for his family and himself, he now had to work like a slave because he had committed a minor offense. Here he had to compete with the crippled and the blind, for they produced most of the kind of things made in the Workhouse. He hated the thought that he was working for nothing—not a red cent!—undercutting organized labor's standard gained through years of struggle, in which he himself had once participated. But like everyone else, he could not break the system by himself. It infuriated him that he had to get money from his family to buy the small necessities of life—tobacco, razor blades, tooth paste, some candy and ice-cream.

Prospector made his rounds regularly, with a short stop at my place. But when Big Shot left the building, he stayed longer and went through the motions of "instructing" me as he told me the secrets of the prison and unburdened his soul.

"This place is racket-ridden, everywhere you look at it. You'll get an earful when you get out in the yard. But look out for stools. You can't trust anybody. They'll come over to you, but for Christ's sake, don't trust them. The officials have their stools everywhere. For example, do you know who the stoolie is in this place? Maybe it would be better to ask who isn't a stoolie here. I guess there are a few guys, guys who wouldn't sell you out, but the majority I wouldn't trust any further than I could throw a bull by his tail."

"Well, Prospector," I asked, "isn't that the way most unorganized workers seemed to be before they joined a union? It's the very guys that are against the unions that eventually become union members. They often don't know, they hesitate, but all that is overcome in time."

"Yeh, but this is different. Why, there was a strike here last

April. We went out on a strike demanding that we get paid the State's minimum wage for prisoners, a measly ten cents a day, and this strike was broken. The fellows who were blamed for it are still in isolation. For over four months they've been deprived of all privileges; no visits, no smokes, no yard."

"You mean the State's minimum is ten cents a day for prison labor?"

"Yes, ten cents."

"Is that the State law?"

"Yeh, it's the law, but this damn place is County-run and claims the law don't apply to them."

"How many fellows went out on strike?"

"Hell, everybody was out."

"What did the administration do?"

"They shut down the shop. They kept us all in our cells, twenty-four hours a day. They kept the canteens locked. No one had any tobacco or candy, and all newspapers were denied us. We couldn't even get our mail. We couldn't write letters. Fellows weren't even allowed to work on their parole papers. They stuck a few of the guys who they call the ringleaders in the hole. They kept on questioning the rest of them, threatened to throw more into the hole. We knew the hole was filled to capacity. Finally the strike collapsed. I'm telling you, the coal and steel companies could learn a lesson in strikebreaking from this gang here."

"Where did the strike start?"

"In the rag shop."

"How did you know it started?"

"Don't take much to know what's going on in any part of this place at any time."

"Did others join them soon?"

"Sure. We were closest to the rag shop and we were the first to join them."

"What did you do? Did you have a committee?"

"Sure, there was a sort of an informal committee so the guards wouldn't know who they were. But like I told you, they couldn't meet. Those who went out on a limb were thrown in the hole as soon as they presented their demands to Wino and the General. First they asked for the committee to bring the beefs before them,

and then when they got the beefs, they threw the fellows in the hole for nine days each."

"What were some of the demands besides the ten cents a day pay?"

"Well, I don't know them all, but they complained about bad food. They asked for some medical attention and some chance for recreation. Since then, by the way, the administration did build a tennis court, a volley ball court, a handball court and about a dozen horse-shoe rings out in the yard and they bought some sports equipment."

"I see."

"The yard out there is called the 'Sahara Desert.' The place is dusty and full of rocks in the summer and muddy and rocky in bad weather. There's not a single place to sit down. There's only room for about a hundred men to play during the short one-hour spell in the yard each day and the rest, about eight hundred others, just mill around or crouch or sit on their haunches."

At the east end of the bleak yard, the prison hospital was located, but no one called it that. All inmates referred to it as the Morgue. I asked Joe, the old con, whether it was because they kept dead bodies in the basement for autopsy and burial.

"No," he said, "the place below would have very little use if the place above wasn't what it was." He pointed to the hospital. "Up here is where they make the raw materials for the business below." He shivered and said, "This place is the slaughterhouse where they kill the animals to be processed for the graveyard."

Joe's face turned grave as he looked me straight in the face, adjusting the glasses which always slid down his nose because the frame was broken. He kept them together with the thread he obtained from rags in the rug shop where he worked.

"Damn these things," he said. "You can't even get a pair of glasses in this place. I got these two years ago from a fellow when he was released to go home. . . . Yeh, many is the man I seen taken up there"—he pointed to the structure above ground—"come up from below here frozen stiff by the ice machines located there. Yeh, they don't even take them to the regular morgue, they make their own autopsy. No matter what a man dies from, it's sure to be on the papers: 'Died of natural causes.' Yeh, I seen many of them. Whatever you do, Steve, pray to God or whoever you believe in

that you never land up here. I remember lots of men who were in the Morgue above and ended in the freezer below."

I recalled how Milan Resetar, a World War I veteran and steelworker, had died in the very place I was looking at—thrown in jail, framed under the same Sedition Act that had put me here. It was a cold case of murder by the Jones & Laughlin steel corporation. Resetar and two other Yugoslav-American steelworkers, Muselin and Zima, framed with him, had been the first in Woodlawn, Pa. (now Aliquippa) to try to organize the J&L steelworkers into a union. That was back in the middle 'twenties. J&L was determined that the steelworkers would remain unorganized. Working conditions in the company's plants were abominable; I know, for I had worked in the very plant that Resetar and his friends tried to unionize a few years later. The large mill at Woodlawn was more like a Nazi slave-labor camp than a place where "free men" worked. Armed coal-and-iron police guarded the entrance. Jobs in the mills were scarce then, and men worked nine and a half hours a day. My pay had been fifty-three cents per hour. I was "lucky" for that was nineteen cents an hour higher than some received.

Standing there in the furniture shop, looking out at the Morgue, I remembered that plant, relived my last day there. . . . I was working with the crews repairing open hearth furnaces. The company demanded that the job be done fast or the whole crew would be fired. This constant fear of loss of a job drove men to do dangerous work. I remembered how my crew was told to get in the furnace before it cooled down sufficiently. The first man who went in fainted and we had to pull him out. I remembered how I helped to pull a man out who had just got the job that morning. He was a huge man; three of us had to jump in through the low doors of the open hearth and by the time we got to him, I couldn't see for the sweat running into my eyes. My clothes were smoking. I shut my mouth and stopped breathing for fear I would choke. We started dragging the man, but couldn't open our eyes to see where we were going. The men at the door realized this and yelled, "This way!" We dragged the man out just in time to keep his clothes from catching on fire. His whole back was scorched from the hot bricks that he had lain on for no more than a minute.

The boss ordered me to continue to work in that furnace. That was the last thing he told me. I told him to stick his job.

Years later I heard that Milan Resetar had worked in the same plant. He didn't let himself get provoked as I did. He knew he had to stick to the job in order to build a union. But the company caught up with him and framed him—twenty-five years before I was framed in the same way. And here I was looking at the Morgue where he lost his life. A chill went through me. I wondered if the steelworkers in the J&L mills remembered him as I did. I wondered if the union remembered. . . .

The old whistle blew in the yard, someone yelled, "Time's up," and the long lines of men formed to march back to the cells.

5. *"Dinner" At Noon*

The bell at the door rang as Skeleton pulled the rope and shouted in his rasping voice, "Chow!" Instantly everybody dropped work and ran to some dirty-looking, cracked cement troughs at the far end of the shop. A tiny piece of soap was passed from hand to hand, and little rags served as towels.

When the bell rang again everyone made for the door. Finally Big Shot ordered it opened and the men lined up in single file. The ancient factory steam whistle gave a short blast and we started walking to the main building. Lines of prisoners in single file converged from other shops. Each man had to follow a painted line on the cement walk or a line made of bricks set in the ground where there was no concrete.

Most of the eight hundred inmates were squeezed tight in a small mess hall, a feat a military man would have been proud of. Nothing was heard but the shuffle of feet, for no one was allowed to speak. It was like the march of the dead. No smiles. The gray mass resembled nothing I had ever seen—all sizes, all shapes, fat and thin, old and young, strong and weak, some keen looking faces, and a few with the expressions of morons. Negroes and whites—sometimes mixed, but most usually in segregated groups, all silent,

and even the fat men looked hungry. The guards stood in twos and threes ordering the men about. "You—go! You—stop. Where do you think you're going?" Then the familiar threat: "I'll throw you in the hole, you smart s-o-b."

We descended a long stairway to the basement. The two-inch pipe railing shone, polished three times a day by 800 men rubbing against it. No one walked without holding on, because the urge for food was so great that men literally ran down these steps and often fell.

The great iron door to the mess hall opened wide. As we turned the corner, a view of the hall emerged, with its closely lined, concrete, counter-like tables less than a foot wide, and small hinged drop seats. Musty-looking tin cups and spoons were set for ten men on each counter. Soon a total of 800 men would be jammed into this small space. Our lines passed the kitchen crew, who were dressed in uniforms that were supposed to be white—and probably had been at one time.

The noon meal, called "dinner," consisted almost entirely of beans—inedible beans, tasteless beans, cooked with no fat or flavor. They were the main dish, which was supplemented with a kind of "flour pudding" and a black brew called tea. Most men ate the bread with salt.

That was the standard dinner, with potatoes or flat-tasting macaroni alternating as the main dish. "Suppers" were the same except for the watery soup; breakfast of flapjacks with sugar water, four times a week, a glass of milk and bread three times; and four times a week "coffee" made of cereals. "Meat" was served twice a week in the form of meat balls that the men called "breadburgers." For Sunday dinner we got "pork-chop," a slice of pork shoulder so thin that it curled up like a piece of bacon when cooked. The men lived mainly on bread and potatoes, for not even Blawnox could succeed in making these two staples completely inedible.

The "meals" were eaten in surroundings that made one think of concentration camps in Nazi Germany. There wasn't enough elbow room in the jammed hall, and the stench of unwashed bodies and clothes was stifling, particularly on hot days when the ventilator's motor failed to work—a regular occurrence. When the last man entered, the doors were shut and the guards stood silently leaning against the wall fifteen feet apart. The only sounds were

made by the spoons, metal plates and cups, for talking was punished with nine days in the hole. Conversation had to be limited to "pass the salt," "pass the bread," "pass the cup."

The officials—the General, Wino, Lieutenant "Queenie," and one of the guards (usually Big Shot)—stood at the head of the mess hall observing each group of men as they passed by with their food. Even they spoke very little to one another and addressed the inmates only to call a man out of line for bawling out or punishment. This always attracted attention; everyone would crane his neck to see who the next victim for the hole was.

We gobbled down as much of the food as we could stomach, in a hurry to get away from the stench and from the eyes of our overseers. Once out of sight of the officials, we could breathe a little more freely, for one never knew when or why they would suddenly pick somebody for the hole.

In the chow line, I always walked between the Boxer and a young fellow from Erie, an ex-GI called Cabbage Head. One hot day the fan failed to work, the men in the mess hall near me were sniffing and looking from side to side and under the seats. (One could not look back; that was enough in itself to send you to the hole.) I stuck my head rather low and was about to ask Cabbage Head what smelled so bad when I noticed that all of the men near me had started to snicker and laugh. It was plain that the joke was on us newcomers, the Boxer and myself, but I couldn't figure out what it was about. The Boxer hadn't heard anything, for they didn't permit him to wear his hearing aid.

Someone from the back bench said in a stage whisper, "It's Cabbage Head's feet." The laughing started all over again. Hollywood stepped up closer. Looking at me, he bellowed, "I seen you, you been talking and agitating ever since you came in, I been watching you. Step out here. And you, too," he added pointing to a Negro prisoner who sat behind me.

The place was tense. Everyone knew that Hollywood was out to make trouble. The Negro and I were ordered against the tile wall and all eyes were upon us. Some showed their hatred for Hollywood; they knew he was a terror in the mess hall, especially when the big shots were present.

"Sir," said the Negro prisoner, "it was like this——"

"I know how it was," Hollywood cut him off. "Don't you tell

me anything! Ain't I got eyes to see, I don't need you telling me anything. You talked, didn't you, eh, and that's against the rules. Go up to the front of the office and stand there." He turned to me.

"You go up there too—and wait."

"What's it all about?"

"You'll hear what it's all about soon enough! You know you don't talk to the man in the row in front or behind you."

"All I did was speak to the man whose feet stank without my realizing they were his, and I didn't know the rules about not talking in the mess hall. No one told me that. How's a new man to find out about these things the first days he's here?"

"You know the rules, and if you don't, a trip to the hole will teach you a good lesson—and what's more, don't you ever talk back to an officer as long I am around here—see!"

The men returned to their cells, where they always remained locked up until it was time to go back to the shop. But Hollywood told the Negro prisoner and me to step into the "office." I was to experience my first "trial" before the collection of sadists in charge of Blawnox.

Wino sat in a large wicker chair especially made for his 240 pounds, mostly spread around his middle and neck. He sat back with hands clasped on his stomach, his little eyes blinking at each of us in turn as we came in. The General stood solemnly, as an officer of the guards should on official occasions, and the other guards imitated their chief. Present were Big Shot, Buck, and a gold-toothed young guard nicknamed "Stew" who was a demoted City policeman now in charge of the yard detail. While serving on the Pittsburgh police force, "Stew" had shot a thirteen-year-old boy, thereby earning a job at Blawnox. To this day he has not even been indicted.

"And what have you got to say," Wino began, looking at Hollywood "about these inmates?"

The Negro prisoner, Pete Burton, was about to say something when the General spoke up. "Hey, wait a minute. The guard has to read the charge first; you know the procedure; you've been here before, Burton."

"I'm sorry, sir, I thought I was being asked to explain—"

"You'll get your turn," answered Stew, giving Pete a hard look.

With the stage now properly set, Hollywood read the com-

plaint. Although he had spent some time fussing and scribbling on a piece of paper, the complaint contained three words: "These guys talked."

Pete looked to see if it was his or my turn to talk, or if there was more coming from Hollywood. Then Wino said, "You both heard the charges, what have you got to say for yourselves?"

Pete stepped forward and was ready to speak when Big Shot shouted, "Step back from the desk and keep your fingermarks off of it when you come in here and stand straight!"

Pete stepped back, flustered, and said, "I'm sorry," and then told the story of Cabbage Head's feet.

"That isn't the issue," said Wino. "What right did you have talking to Nelson who sat in front of you? You know that's against the rules."

"I didn't speak to him, I spoke to my buddy on my left, Sam. You know, the fellow who always sits next to me."

"You know you're not telling the truth."

"But I am, sir."

"Then the guard is a liar, is he?"

"No, I'm not saying he's a liar; he probably misunderstood. I was talking to the man next to me, while naturally I was facing forward."

"Okay. Stand out there. We'll teach you not to break the rules."

"What've you got to say, Nelson? You sure are looking for trouble fast."

"No, I'm not looking for trouble. I had not spoken to the man here, I've never spoken to him before, I had no reason to speak to him. I spoke to myself and to anyone else who was listening when I asked, 'What in the world smells so bad?' I sniffed and smelled things around me and, as I did, I noticed that some fellows started to laugh. Then I saw that Cabbage Head was embarrassed and that he turned away. I knew then it must have been him. If you want to know how unpleasant such a smell can be, call him in and find out for yourselves. He says he can't get any foot powder or salve at your hospital to cure his athlete's feet, which has spread all over his feet and causes the terrible stench."

"You're not going to sidetrack this hearing, Nelson. We know your kind," said Hollywood.

"But even if it were true, that we spoke to each other, how

was I to know that it wasn't allowed? You know that I just got here."

"Go out there and stand against the wall in front of the office."

Stew stepped out with me, got himself a chair and sat down directly across from us in the wide corridor, as we waited for the "verdict." Guilty verdicts were a foregone conclusion before this court, especially when a Negro was involved. Pete would probably be given three days in the hole or all privileges taken away for a week—no letters from home, no yard.

"No yard," Pete said. "And this is August."

He kept talking under his breath, shading his mouth to prevent the guard from catching him. I strained my ears, while looking over my hands, scrutinizing my nails and looking in the opposite direction, away from Pete. I wanted to know what he was saying, but out of caution he spoke so low that I couldn't hear him, so that when he stopped occasionally for some response from me I had nothing to say. He looked puzzled and must have concluded that either I didn't like what he was saying, that I was scared, or that I didn't care to talk to a Negro, especially with the vicious white-supremacist guards watching. . . . The few minutes of standing against the wall, waiting for the verdict, stretched into eternity. Finally, Wino's pot belly emerged through the doorway. He spoke to Stew: "No privileges for seven days, for both of them!" Then he backed into his office without attempting to turn around in the narrow doorway, much as a fat horse backs into his narrow stall.

6. *Turning Slop Into Pork Chops*

The clock rang. No one could hear the Skeleton above the din of machinery, but everyone knew what he was saying: "Supper!" We had hard-as-rock unbaked beans, faintly smelling of tomato juice and nothing else. The stuff was tasteless and unseasoned except for saltpeter. I could scarcely chew the mess, it was so tough. The liquid in which it was cooked, a watery substance, ran over to the edge of the plate and left the beans high and dry.

We washed some of them down with water and the black brew called "tea."

Supper over, the garbage team came in with a wagon and a large steel oil drum to empty the plates, which were still full of uneaten beans. Everything left over was quickly removed and readied for delivery to the hog pen—the more the better, from the officials' viewpoint, since the administration collected money allotted for both the prisoners' and the pigs' food. The General would say, "Take these beans, soup and flapjacks and macaroni that the inmates refuse to eat and make pork out of it. That makes real sense, if I say so myself." Prison officials sold or ate the pork.

This business of keeping inmates hungry while the administration officials ate the meat, eggs, milk and butter raised on the prison farm, was known to everyone. Meat was kept in the Ice Plant located near the central guard house, which all prisoners passed to and from the shop, and the guards on their way from work picked up large packages of meat wrapped in heavy brown butcher paper, some weighing up to twenty pounds. That was the "beans turned into pork chops" that we never saw. Prisoners were lucky to get one egg a month; the guards picked up cartons of them on the way home and were charged half the price of eggs in grocery stores. The same thing happened with butter. We never saw either butter or margarine—never!

Inmates working on the farm who had a little more liberty and drove trucks into the city, reported that the guards stole produce outright, often using the trucks to deliver the stuff to their homes. It was usual to reward the drivers for such favors with a pack of cigarettes, that was supposed to keep their mouths shut; or sometimes they got certain extra privileges.

All this looting, which was generally discussed among the prisoners, went on constantly. Some guards and prison officials made very little effort to hide it, while some developed it into a fine art, covering up their tracks like "experts." And it was these people who were supposed to "reform" the lawbreakers!

Conditions like these, common to most prisons, cause the prisoners to feel that they are no worse than anyone outside the walls—certainly no worse than their overseers. The only difference is that "we were caught," or maybe the free ones had some kind of

pull with the law. This was a unanimously accepted notion, expounded all the time.

Thus, instead of being "reformed" and "re-educated" the inmate learns from examples set by his teachers. He starts out to live even more by his "wits" than he did before he came—because he must in order to keep alive, and also because he has lost his ties with decent people. The inmate is not worried about his reputation. Since he is already labeled a crook, a thief, a chiseler—which everyone else is—he sets out to become a better thief. One thing only he must guard against: getting caught!

The prisoners hated the guards so intensely that they did not envy them or wish for their jobs even though it was as good a racket as any—certainly much easier than working in the mill or in the mine. No danger of a depression throwing a guard out of his job. Also, there was a good pension to look forward to at the end of 20 years' service. One of the old guards, who literally never opened his mouth unless he absolutely had to, repeated each day as he knocked off to go home: "One more day closer to my retirement. I've got just five more months to go." This one was supposed to guard a small area between the shop and the mess hall, but he was more interested in drawing sketches of a boathouse he planned to build on the Allegheny River and dreaming of the days when he could fish all he wanted to. His one regret was that he was retiring so old—he would soon be seventy. "If I only had had sense enough to get a job here when I was twenty-one, I could have retired at forty-one and spent the rest of my life fishing."

Every prisoner who knew the old guard remembered this short little speech and his dream. He also knew that he was taking something home every time he left the place. His lunch bucket was always heavy. But he had a way of carrying it close under his arm so that even if it held five pounds of nails, which it often did, it never appeared weighed down.

One day, just a few weeks before retirement, the old guard didn't show up. He had died on the river bank of a heart attack.

7. *Cell P-47*

After supper Pete and I were immediately locked in our cells, the door slammed shut at 4:15 by the remote control lever. Other prisoners were allowed in the yard for an hour.

I looked at the faded ivory paint on the rough concrete walls, the battleship gray of the bars on the door. The cell was so short and narrow I felt as cramped in it as a corpse in a coffin. A twenty-five watt lamp bulb screwed high in the wall gave a feeble light. The cell's contents were few: wash bowl, toilet, straw bed. I lay on the bed and looked at the ceiling. Was this where I must spend a big slice of my life? My thoughts reached out to my family, Margaret and Bobby and Josie, and my friends. I thought especially of those who were carrying on the struggle. And I thought of friends who, like myself, were in jails like this.

I ground my teeth at the thought of being locked up from 4:00 p.m. until 6:30 a.m.—to see no one, with not a thing to read—no books, no papers, not even any letters from home for this week of punishment. The “20-year” sign on my clothes bag burned in my mind. There wasn’t a sound in the huge place. The silence, the absence of human beings, was twice as oppressive for a newcomer who wants to ask questions—not to learn anything that could change the situation, but to kill the only thing one has in jail—time!

Suddenly I heard footsteps. I sat up to see who was passing by, and as the steps sounded on the concrete floor, which is laid on a steel frame like a tightly stretched drum, I realized the man was one or two flights below. In a matter of three minutes, I heard them again, closer this time but still below me. I figured that the next time the man was bound to pass my cell. Sure enough, as if by the clock, the footsteps sounded again, still closer. I strained for the moment when the man would pass by my cell.

They came to an abrupt stop. “How are you doing, Steve?” It was a guard. He spoke in a rather pleasant voice, which surprised me, for he was the first official here who seemed human. After looking to the right and left, he added, “I see they got you in double-lock already—I heard all about it. Didn’t surprise me. Hollywood was laying for you.” Then he looked around and said, almost

in a whisper, "And he ain't the only one laying for you. But I guess you know that anyway, but keep it to yourself that I told you."

As he was about to walk away, he asked, "Was that you talking a while ago? You know you can't talk to anyone while you're in the cell."

"I didn't talk, although I did hear someone saying something, but I couldn't make out where it was coming from."

"Okay. But don't let me catch you talking again." He winked at me and left. Soon I heard footsteps coming and another guard stopped three flights lower, but directly in front of the cell below mine. It was the General himself, checking on the guard whose steps hadn't been heard for the moment he had stopped to speak to me.

The hour was nearly up, the yard period over. Men were coming up the iron steps, several hundred of them at one time. The cold prison bars and the silent concrete walls came alive. Sixty-five doors opened for five seconds and the men stepped in, the cables operating the doors squeaked as they shut. Then the long range became silent, deserted as a graveyard at night. It was 5:15—not a thing to expect until 6:30 next morning. It would be good if a man could sleep away the time, but he never can.

This was to be my "home." The Judge had said, "Twenty years in the Workhouse—no bail." The three judges who listened to the argument for a new trial had said, "All motions denied." The kangaroo court had said, "Appeal denied and bail refused." So here I am in Cell P-47, this dreary cell, in a hostile atmosphere, punished on the very first day of my arrival. The food is fierce, the work dull, no way to pass the time, not even a chance to talk!

I thought of the good, fighting progressives who had been in this miserable jail before me—of Phil Frankfeld, Jim Dolsen, Ben Careathers, framed back in 1940—of the union men who had been thrown in for organizing workers. (One night the prisoner just below called up to me: "Hey, Steve, did you know that Doc Truitt used to be in your cell?" Doc Truitt! I knew he had been at Blawnox—a dental technician, he had been framed and jailed for ten months for his progressive activities in Westmoreland County—but I had no idea that he was once the "tenant" of Cell P-47. The information almost made me feel that this cubicle of concrete

was just a shade different after all from all the other cubicles.)

Just to be doing something, I started to clean my cell. I washed down the walls and floor, the small wash bowl; I wiped and dusted the bars; washed my handkerchiefs, socks, underwear. My thoughts kept turning to my friends outside, to the fight they were waging. I made a mental roll call of many of them. They were on the job, I knew—thinking about my case and working for our friends' freedom, as well as mine.

I began to reflect upon the condition of the other prisoners. It came to me that the terrible trap set for me could be kept from closing only through continued struggle inside and outside of the Workhouse. From what I had seen of the place, though I had learned very little of the real picture, I already sensed a certain friendliness toward me on the part of the inmates. Even one guard seemed not quite so hostile as the others; although I suspected him, I did not show it to him in any way.

It was late that night before I fell asleep. I recognized the need to fight against this living death but could not come to any decision about just what to do. Finally I told myself, "I'll listen and learn and see first. The picture isn't as gloomy as it appears, that's certain. There's hope in knowledge and in struggle. But I can't fight just myself and for myself. I must join with others in the fight for their rights."

At 6:15 a.m. the lights went on, and the place came to life: splashing water, brushing teeth, making beds. I was ready and waiting for doors to open—too fast with my washing and dressing. The factories' main whistles blow at various intervals, echoing against the hills along the Allegheny River. Later I learned to tell time by the sounds of the various whistles, but the first morning it was all confusion.

Finally, the doors opened and I stepped out of the cell into the range with men all looking alike, walking towards the stairs which led to the mess hall in the basement. Breakfast: cold flapjacks and sugar water.

Usually the men would go straight to the shop as soon as they finished breakfast, but this morning no one moved out of the mess hall. I asked the other prisoners why but they only shrugged their shoulders. One man said, "Fog." As it turned out, he was right. A fog had settled over the area and the officials supposedly

wouldn't risk letting the men go through the yard. However, this precaution hadn't been observed in a long time. Why now? Finally someone said it was because of me. I could hardly believe that. Perhaps this was the officials' way of trying to antagonize the prisoners against me, for no one liked the idea of sitting in this stuffy mess hall. Anyway, we were kept in for three mornings straight until the fog lifted.

8. *"Must Have a Riot"*

After a week, I was allowed to go out to the yard every day for about forty-five minutes to an hour.

About a block long and a half block wide, the yard hadn't a tree, a blade of grass, or a flower in it—nor a single bench or box or stone to sit on. If a man wanted to take the load off his feet, he had to use the dirt-and-gravel ground; wet or cold, it made no difference. Usually there was a ball game going, depending on the season and the weather, but this involved only a small part of the 800 inmates. Only about a hundred prisoners could participate in sports, for there was no room for the others to do anything except mill around the crowded area and talk.

For all that, this one hour out in the fresh air was the best period of the day. Almost everyone looked forward to it eagerly and made preparations to get the most out of it. In the yard friends from other parts of the prison could be seen. Here they exchanged small articles, borrowed items, arranged to square up debts and to exchange information about the place. I was reminded of an old-time market place, where one could not only buy and sell but also pick up the day's news. At Blawnox, the "news" was pretty well specialized and departmentalized, so one soon found out where to get what. Sports had its enthusiasts, and those following it knew just where to get or pass on information. The ones interested in application for parole or the results had their "center," as did prisoners with special interests, cultural or otherwise.

But nearly every prisoner, aside from his special concern, was interested in all the news about the "place"—the jail—what went on,

which guards were quitting, what new ones were coming in, who was in the hole and why. These discussions went on day and night in undertones, and even the most timid prisoners expressed sentiments sharply critical of the administration and the bad conditions.

As soon as I got to Blawnox, I found myself in the midst of these discussions. It seemed that all prisoners who had opinions or experiences saw to it that I soon learned them. In this way I picked up the history of the place in short order, without making any special effort to search it out. In fact, I had decided I was just going to listen and learn who was who before saying anything except to explain, when asked, why I was in jail and how I was framed. While I made no attempt to win anyone to my philosophy, I didn't hesitate to tell what it was and what it was not.

The administration kept a close eye on me and on the men who spoke to me in the yard. The General and Wino and their key lieutenant, "Queenie," were always there, to see for themselves who walked with me. Soon men started passing me notes instead of talking. The reason, one prisoner told me, was that he had been called in, questioned, and "told" to keep his nose clean. I did not have to be told this; I had expected it. What amazed me, however, was that prisoners quite frankly told me about the way they were pressured. One inmate, who Wino bought off with a promise to save him three years' time in this place, came and informed me he had agreed "to work with *them*," but begged me not to hold it against him and not to tell anyone else about it. A man who had spent five years in this place and who had never been able to get the ear of the administration, won an "audience" with the General and Wino as soon as he was seen talking to me. They wanted to know why he was "messing around" with me, didn't he know that as a Negro he was making it worse for himself by hanging around a Communist? The prisoner, Joe, had a very clever mind and a witty tongue. He told them he had asked me to help him get legal advice since he had no means of getting a lawyer. They asked, "What advice did he give you?"

"Well, I can't tell you what he told me."

"Why not?"

"Well, I can't tell you."

"Haven't we always treated you right, Joe?"

"I can't go into that just yet. When the time comes, I'll tell you."

"Okay. It would be better if you stayed away from him."

Two days later an attorney came to see this man and didn't even start with the usual question: "How much money have you got?" The prisoner told me this in great surprise. When I advised him to stay away from me, he spoke up for all to hear: "I am in jail. Okay, but this hour in the yard is *my* time, *my* free time, and I can do with it what I damn please." Other prisoners sitting around asked what the discussion was all about and when they were told they agreed with Joe.

I must admit I was glad to be in the minority on this question. Otherwise I stood in danger of being isolated. As it turned out, men took many risks to associate with me and wouldn't give in to threats and fears. Their attitude infuriated the administration. More and more frequently I was stopped in line and searched by the guards. It became serious, because any piece of paper, even a newspaper or magazine article, could serve as an excuse to throw one in the hole for nine days. Even carrying an extra piece of clothes, like a pair of socks that one might want to wash in the shop, could lead to punishment.

There was always a particular group in the yard who came over to "chat" with me. Sometimes it was insignificant chatter; at other times they unloaded their minds. I heard many of the men's beefs. I heard many a prisoner's secrets and I heard, too, some fantastic proposals and plans. I marveled at their frankness with me. At first, I had a hard time keeping the stories and the faces straight in my mind. I made it very clear to most of them that I was new, that I didn't know much about anything here, and that I would not involve myself in anything, not at least until I knew more about things. This was my approach to most proposals. However, if any fantastic or obviously wrong proposals were made, I immediately made my position known.

Usually the men expressed their personal beefs first, then they raised complaints of a general character. At first I asked them, "Why bother me about it?", and sometimes they said, "Well, just so you know; you are new here," while at other times they frankly expected me to do something to solve problems they hadn't yet been able to solve themselves. And some explained that even

if I couldn't do anything, they felt they could safely unburden themselves to me because it was so apparent that I was the pet hate of the administration.

The time in the yard flew fast. I couldn't talk with many who wanted to get to me. It was hard to get the facts straight, especially since one bit of information usually had to be checked through a number of men. The complaints, after two months of listening, boiled down to these:

The administration followed medieval practices in handling prisoners, who were treated as sub-human, beaten at will by the guards, thrown in the hole and kept on bread and water for nine days at a time. The food was very bad; the medical set-up was frighteningly bad; there were no adequate sports facilities, no recreational activities to speak of, no educational program or cultural program. Negro prisoners were discriminated against in the bath house, kitchen, hospital and bakery. There was not a single Negro in the administration or a single Negro guard. The clothing was dirty. There was no running water in the cells, no minimum pay for work, no adequate canteens, no fruits and vegetables. Visiting conditions were abominable. There was bad management, racketeering, stealing of food, drugs and gasoline, tires, etc. And there was favoritism to inmates with pull on the outside (some received special foods, even drinks, by special arrangements with guards).

The list was endless. Now came the question: what to do? This was raised in every conversation. I didn't want to act hastily, but one couldn't listen to these complaints forever, knowing how true they were, without considering some action to change it. My own life, as well as the lives of many others, was involved.

Various proposals were advanced. One idea that received a lot of support, but which I sharply opposed, was that the only way to fight in jail was through a "prison riot." A great majority of the men held this idea, among them a majority of those who seemed to be the natural leaders in the various shops and wings. They felt this way for several reasons: first, because "various other methods had been tried" at Blawnox and had "failed." The strike four months ago for ten cents a day minimum pay—the wage paid in all State jails—had been broken and the leaders had spent two to three months in solitary confinement, besides losing their chances

for parole. They were still on the blacklist. Second, there was a rash of "prison riots" throughout the country—Illinois, Michigan, Pennsylvania, New Jersey—which strongly influenced the prisoners.

Men argued against striking as a method of struggle in prison. "This isn't a shop where you can walk out at will," one fellow said. "Then again you can't picket the place." Or: "They'll lock up all those who strike; keep us in cells twenty-four hours a day, take away our privileges, and then they'll pick on the key men and the others will desert you like rats. The only thing these guys will understand is a riot."

Basically, all the arguments boiled down to two possible courses: "Riot is the thing," or "You can't do anything here."

Naturally, I couldn't agree to either proposition. I had to do something—but what?

The "riot" trend began to gain. Its advocates became more desperate, and it soon became clear to me that some of them were not just advancing an incorrect policy through lack of understanding. Someone was deliberately pressuring them into a stupid venture. To head them off, I suggested a set of demands to be circulated among the inmates in each shop and wing. At the same time, I proposed, we would contact a group of public-spirited citizens on the outside who would support the demands and put pressure on the prison boards in the State and County. Legal action should also be taken in the courts, with maximum public support. These steps could be actively backed by the inmates through demonstrations such as sit-downs in the shops and refusal to eat some of the specially bad meals.

Some men agreed with this. But the riot advocates claimed it would make for "endless delay"; they wanted "quick action."

Of course the administration soon got wind of these discussions. Then the riot advocates began to clamor for "action now before it is too late." I wondered: why the sudden rush? Why not get the widest support from the inmates and the backing of people on the outside who wanted to see this disreputable, racket-ridden, degenerate institution changed? I was sure that many people disapproved of the medieval methods employed here. I know that labor unions were opposed to prison-produced goods that competed with the products of labor. I knew that many organizations of the blind, which made and sold articles, had no chance com-

peting with slave labor. And I knew that the rash of prison riots had impelled many liberal reform groups to urge a change in the penal methods. So I urged what I thought would be proper action, around minimum demands, which stood a chance of winning wide support.

At every opportunity I made clear that I would have nothing to do with a riot. I told the men that any desperate acts like arson would be committed by fools or as a provocation by the administration itself. I posed the question: What better way could the administration devise to head off effective action by the inmates than to start a fire and blame it on anyone they wanted to frame?

The situation was precarious. Any day, any moment, something might happen. At this time, a Protestant inmate was demanding certain religious rights. The place was largely dominated by officials who were Catholics. This Protestant inmate protested that his co-religionists' rights were interfered with. They contemplated some action to join their demand that they not be compelled to work on Saturdays so they could have religious classes instead. When they heard that general demands were being raised, they agreed to include theirs.

But suddenly the "riot group" suffered a serious blow. It came out that several of its members in the barber shop and shower room had conspired with one of the guards to pull a "riot" simply to cover up a mess involving the guard. We learned about it when we read in the papers that the guard, "Cain," had been arrested. According to the newspaper stories, an inmate from Erie, Pa., had sold the gullible Cain a tale about a hidden treasure of \$100,000 in a cavern which the prisoner would personally have to locate—the only trouble being that the prisoner had to serve seven more years, and also he suffered from a growth on his face that might be fatal. The guard and he cooked up a plan to get a court order for medical treatment in one of the hospitals. Then the guard provided the inmate with a knife, a gun, and a key for his handcuffs, and while the patient was in the hospital for X-rays, he removed the cuffs and made his getaway. He was soon caught. But during the two days before his capture the riot advocates tried everything they could to get "action." With the arrest of Cain they saw they had been suckers, and soon abandoned their foolish venture.

9. *Rags to Riches in the Morgue*

In their dither over the Cain case and the trouble it might make for them, prison officials lost no opportunity to retaliate on the inmates. Soon a number of men were thrown in the hole, most of them for being "trouble makers."

A riot broke out in the State Pen at Bellefonte, Pennsylvania, and there were rumblings at Western Penitentiary at Woods Run in Pittsburgh. Here at the Workhouse the air was charged, and one felt that something might happen at any moment. Men were getting bolder and openly complained about the bad food and lack of medical care.

On all sides one heard terrible stories about the hospital—the "morgue." Inmates complained that either they couldn't get the most elementary medical attention, or if they were given something to relieve their pains the guard and the "male nurse" acted as if they themselves had paid for it just to make the prisoners feel like a bunch of slaves. Stories were told and retold about the "male nurse" with no medical training whatsoever, not even a nursing course, who would give injections and act as a "doctor" in the absence of the eighty-year old physician, who was rarely on the premises. It was said that the "nurse" had managed to build himself a \$25,000 home since he started working here, and that he had done it by selling dope, which was carried out of the prison by those having access to it. Since the dope was taken from the regular supplies of medicine supposedly used for sick inmates, a man in pain who seriously needed a shot either got the stuff diluted or received a dose of distilled water.

Men dreaded the thought of becoming ill. The few doctors who came two or three times a week couldn't give adequate attention to all the inmates. The County paid them so little that many refused to be bothered with the job. As for the dentist, so many men were waiting for him with toothache on his day at the Workhouse that all he could possibly do was to line them up six, eight, or ten at a time, give them injections, and start pulling. In his usual two hour period he did extractions on as many as twenty men, often pulling more than one tooth from a patient's mouth. If any one asked for dental plates or glasses or hearing aids or some

special treatment, the administration officials, especially Wino, would say, "What do you think this is, a sanatorium? You're in jail now, mister."

There were men walking around in terrible condition who so feared the "morgue" that they nursed their ailments as best they could. One fellow had such a bad case of piles that part of his intestines hung out, he used any kind of lubricant he could get to put the mess back as well as he could, and his pants were greasy down to his knees all the time. Everyone, including the officials, knew why! This man was denied elementary attention and could not get to a regular hospital. A young Negro who had played on the prison football team the previous year was to have his leg amputated or lose his life as a result of an injury he received playing football. Every inmate in the prison knew this shameful story. Yet when the man asked to be given a chance to go to the County hospital, this was denied. He spent almost eighteen months in the morgue. The whole prison population was incensed about this case, especially as the man was a popular football player and his plight had resulted from willful negligence.

About this time, I was temporarily transferred to the Iron City jail because of the pending Federal trial with Dolsen, Albertson, Careathers, and Weisman. The administration was visibly pleased. They issued a statement to the press saying they would take court action to transfer me permanently, that they didn't want me at Blawnox, they had no facilities to keep a "big criminal" like me. While they couldn't catch me "doing anything against the rules," they were sure I was the "cause of all the trouble." In the same press statement they complained that they "could not find one inmate" whom I had propositioned to join the Communist Party. And they wound up with the declaration that they must get rid of me because "the inmates did not want Nelson here." They also started circulating a petition among the inmates, to be presented to the court, demanding my transfer. It was signed by just five men, out of about 800 in the place. The petition was withdrawn and no one knew just what happened to it. This was interesting news to me. However, the efforts to transfer me for being a "trouble maker," or to frame me, took place at the height of Judge Montgomery's election campaign and his "issue" was: "I put Nelson in

jail for twenty years." He would not stand for transferring me out of Blawnox.

There was a delay in starting the Federal trial and I was kept in the Workhouse. My frameup was set. The administration began to crack down on the prisoners; every complaint or even an expression of minor dissatisfaction was punished with a "cure"—usually three to nine days on bread and water in the hole. None could escape the decision of the kangaroo court, which worked with mathematical precision. The "shelf" was the "milder" form of punishment, since the inmates got their regular food, but they were totally isolated, locked up twenty-four hours a day in their cells, denied their mail, and not allowed to write or to receive visits. While the time spent on the shelf was longer, usually from four to six months at a time, the "hole" was more dreadful—as I was soon to find out.

10. *The Boxer in the Hole*

One of the prisoners thrown in the hole was Nick, the Boxer. His story was the talk of the Workhouse. In fact, I heard about it before I was brought back to Blawnox from the Iron City jail—which was natural since it was tied up directly with me. Many prisoners made a point of telling me about it.

The day I left the Workhouse for the Federal trial, Nick stepped over to my place of work in the shop and asked me to buy him some chewing tobacco in the commissary. Because he was hard of hearing and was forbidden to use his hearing aid, you had to shout at him even if he was close by. He came near me so he could hear better. Big Shot jumped off his high chair and walked towards us, and I warned Boxer that he was coming. His mouth, a tightly drawn slit, showed that the guard was looking for trouble. The Boxer walked over to the spittoon to get rid of a mouthful of tobacco, and as he turned around, he saw Big Shot nearby saying something to him. Cupping his hand behind his ear, the Boxer stepped up to the guard and asked, "Pardon me, sir, were you saying something to me?"

"You know damn well I was talking to you!"

The Boxer looked surprised, though not agitated, and stepped closer. He seemed calm outwardly though I was sure he was mad, but his easy manner made Big Shot sore.

"I said, why were you talking to him?"—pointing toward me.

"I went to ask him if he would get me some chewing tobacco when he goes to the commissary."

"Oh, don't tell me that, you got plenty of tobacco."

"All right, search my pockets and my cell. If you find any tobacco, I'll buy you a cigar as soon as I get some dough. Okay?"

"You tryin' to be smart with me? You always talk to him."

By now the Boxer was getting as red as a lobster but he still spoke gently to the guard: "What's the matter? Can't a man even talk in this place?"

Big Shot stepped back and said, "Nick, you have to come down to the office."

"You mean you are going to put me in the hole for this?"

"I'll have to take you down."

By now all eyes were on the Boxer. He had told everyone that if they tried to put him in the hole for an unjust reason or if they tried to frame him, it would take more than one guard to do it. Everyone waited to see what would happen next.

The Boxer stopped working. He was putting his tools away. Big Shot stepped up on the platform but instead of going to his chair he reached for the telephone hanging on the wall.

I was afraid that the old Boxer would be cruelly beaten. Time and again I had tried to persuade him that he would gain nothing **from a fight with the guards**, that the terrible situation couldn't be improved that way. But I couldn't convince him. He was going to use his two fists "to fight against injustice anywhere." Now I could see him getting set, going through his shadow boxing while the guard telephoned the main office. But he said nothing and no one else spoke. The place grew tense.

Just as the clock struck the ten-minute morning smoking period, the General and two guards appeared. They went over to Big Shot and then the four of them started toward me and Nick. I was resigned to what seemed to be shaping up as my first trip to the hole. For I sympathized with the Boxer. He was taking up a fight for the right to talk to an inmate and I had let the whole thing pass practically without saying a word. At this moment, I

wished I had spoken out, instead of merely backing up the Boxer's statement that he had asked me to get tobacco. Now I'd be going to the hole for nothing. . . .

The General came up to me and said, "You are the cause of all this trouble, Nelson. If you don't stop making trouble here, you'll be going in the hole with him."

"What trouble did I cause?"

"You know what trouble. Why, the whole place has been in an uproar since you came here, but you've been smart enough not to be caught at anything."

"Sir, all this man did was to ask me to get him a plug of tobacco and now you are taking him to the hole." Once I said that, I felt better.

The Boxer was told to go to the office.

"You're going to hear my side, aren't you?" he asked.

"Sure, Nick," the General answered. "We'll hear your story. We always listen to every man's story—just you go down to the office, you'll have your chance."

Nick went to the office without protest, evidently he thought he had a chance to talk his way out of it. The rest of us knew better. His "trial" did not last long, though not because he was submitting timidly. He tried to get Wino, who presided, to tell him what rights he had, and said he was ready to bring witnesses, etc. Wino said, "You had your trial in court—you're in jail now. Take him out."

Nick demanded to be heard. He explained why he had to walk up to a man to hear what was said. He told about his time in the army during World War II; how he had trained boxers and how, by God, he wasn't going to be led off to the hole for no reason at all without a fight. He wanted the General and Wino to know that. Three additional guards entered the small office room and they, with the two already there, moved up to Nick and grabbed him. They pushed him out of the office, down a short pair of steps, into the long wide corridor which led to the hole. As Nick stepped from the concrete stair to the corridor, he shook loose, stepped close to the wall, and said in his usual mild manner, "Come on, I'll take any of you, one at a time. And I don't care which of you comes first." By this time the guards had drawn their blackjacks, but none stepped close enough to land a blow on the Boxer, who

kept repeating, "Come on and fight like a man and not like a coward, five of you with blackjacks against one man."

Soon there were men all over the corridor, going about their business, but keeping an intent eye on the pending blood bath. The blackjacks began to swing. Hollywood stepped in but missed. The Boxer landed one on his jaw and he fell his full six feet on the concrete floor. Beer Belly moved in. He hit the Boxer over the eye and cut open a gash that squirted blood as a garden hose squirts water. As the Boxer tried to protect his injured eye, Big Shot cut him a blow on the forehead. Almost blinded by the blood, the Boxer now went after Beer Belly and knocked him to the floor with a sound like a bale of cotton falling off a three-story house. Then Nick took on the hated Hollywood, who was swinging his blackjack. Soon two more guards appeared. They finally subdued the Boxer, beating him to a pulp and then dragging him down to the hole feet first.

Nick spent the next nine days on bread and water, without medical attention, stripped of all clothing, with nothing to rest on but the rough concrete floor. His cuts healed slowly, unattended, some festered for weeks. But the old Boxer came out of the hole with his head high, full of contempt for the whole place and especially for the guards who had beaten him so savagely. He wore his cuts and gashes with pride. Every inmate knew that it took five men, each weighing more than the Boxer, to put him in the hole. He had given most of his assailants something to remember, too, besides their bloody noses and black eyes. No one was allowed to forget that he had "fought them fairly," while they had used blackjacks, just like the Nazi storm-troopers he had seen in Germany at the end of the war.

The Boxer resumed his routine, he ran around in the yard for at least half an hour and then did his shadow-boxing or skipped rope, always stripped down to his waist. The tan, powerful body seemed to shield him from the sadists. Nick never had fights with the inmates—actually he was as gentle as a St. Bernard dog but the administration, and especially some guards, feared him like a tiger on the loose.

Another man who landed in the hole was Hank, the Preacher. He was called Preacher because of his interest in the bible studies and because he had changed from the Catholic to the Protestant

religion. Soon Hank became a leader of a Bible class and began to recruit men to his particular denomination. The administration, which was unfriendly to his religious views, "advised" him at first not to take his new faith "so seriously." Later, they put many obstacles in his way. To Hank their opposition was no small matter—it amounted to illegal and unconstitutional interference with his religious rights. A man of more than usual intelligence, he read the law, the United States Constitution, and the Bill of Rights, and prepared to take legal action against the administration. He rested his case on the one complaint that the administration showed favoritism to the Catholic group, that his group did not have a full time minister and were denied Saturday off for Bible class though Saturday was their Sabbath. Many Catholics and Protestants of other denominations supported him. Hank was punished because he not only insisted that the powers at Blawnox grant him his rights but wrote letters to the Department of Public Welfare in Harrisburg asking for relief, as well as to the Protestant ministers in Pittsburgh, who gave him some support. When I returned from Iron City he and several of his followers were in the hole.

Many others were in too, thrown there for a variety of reasons but most of them under the headings of "agitator," "beefer," "complainer," "trouble maker."

"Jock, the Scotchman" was a "complainer." He had written a letter to the prison board about the suit-selling business that went on at the Workhouse. His own \$100 suit was "missing," as he had discovered when it developed that he was soon to be transferred to another prison. The suit simply could not be "located."

One could reach the prison board only through official channels, which meant that the censor would either stop the letter or turn it over to the officials. So Jock decided to tell the story of the missing suit to his lawyer and urge him to write to the Welfare Board. Upon receiving the complaint, the Board sent the letter back to the Workhouse. Jock was called before a kangaroo court and asked why he had written a letter about the Workhouse which did not go through "channels." Didn't he know "this was against the rules?" Jock demanded that they produce his suit of clothes; if they found it, then they could complain of his indiscretion. So he landed in the hole for nine days and spent about six weeks on the "shelf"—a "professional complainer."

Many inmates lived in constant fear of the parole board. Every prisoner hoped to reduce his sentence by appealing to that body. But the prison hierarchy had the final say about what the Board would do. In a number of recent cases inmates were denied paroles because of the labels given them by Workhouse authorities. This policy, followed for years, had the effect of scaring the inmates and keeping them docile. Now, however, it seemed to have very little effect. The officials seemed unable to understand what had hit them—their favorite tricks were failing, tricks that had once worked like magic.

11. *Wino Was the Judge*

The short trip away from Blawnox, to Iron City jail, was very important for me. I was able to warn my friends about what awaited me upon my return. They showed serious concern and urged that people everywhere be called upon to protest to the authorities against my mistreatment.

While in the Iron City jail, I wrote to friends everywhere about Blawnox and the frame-up trial. I told them that I might be transferred back any day and if they did not hear from me by a certain date, I would most certainly be in the "hole" at Blawnox. The morning that Margaret came to pay me her weekly visit, I was gone. She knew I would be in the hole by night.

Upon my return, Queenie opened the door to the cage where my handcuffs were. I had known before I came back that this place waited for my life as the slaughter-house awaits an animal. "Queenie" stood there with his elevator-operator's cap tilted to one side, his sallow face cold and drawn. His thin lips barely revealed a mouth under his large nose. I understood why he was called a "fox-faced Queenie." When he had finished his checking, the deputies left. Queenie motioned to Bones to take me to the "bath-house" where I would get the prison garb and put mine in the duffle bag with the long stick painted "Nelson, 20 years." Cain, the old guard, was no longer in charge—he had landed in jail himself. A new guard who seemed a little human—which proved he was not a long-timer—was in charge.

As I entered the shop, Big Shot did not bother to look at me. Nor did I make any effort to look at him. The man near the door gave me a wink. Old Wilhelm unloaded into his spittoon, said, "Get back to your place," and looked at Big Shot to see that it was okay.

I wasn't back more than an hour before Big Shot, after a lengthy conversation on the telephone, motioned me to him. I knew the Brain Trust was up to something. When he said, "Put your things away," I knew what it was. Big Shot was walking ahead and I followed him. The men in the other shops knew what that meant; when a prisoner went alone with the guard in this fashion, it meant the "hole."

When we reached Wino's office, the "courtroom," I found Bones standing against the wall near the entrance. As I came towards him, Big Shot said, "You stand there," pointing to the opposite wall. I tried to catch Bones' eye but he looked everywhere except at me. This was puzzling, since Bones never missed an opportunity to talk. I had seen him just a little while before, when he put my clothes away in the duffle bag and remarked that there weren't any moth balls to put in with them, laughing as he said it, for the guards who sold the inmates' garments to the pawn shops usually told the prisoners, when the latter complained about missing clothes, "Maybe the moths got them."

The suspense was broken by a guard who motioned me to come in. As I did so, I found Wino sitting in his stuffed chair, his large belly hanging over his knees and his big fat hands clasped over it. His eyes were fixed, staring at nothing. The General was there, his elevator-operator's cap with a gaudy gold braid pulled down to one side, almost MacArthur style. He stood against the wall as a good subordinate should.

Big Shot stood motionless except for his tongue, which was busy turning the large wad of tobacco in his mouth. His lips were drawn tight to keep the juice from spilling down his chin, for he had been in such a hurry to get here that he had forgotten to spit. To do it now he would either have to step out into the corridor and take a chance on missing what was going on, or else use Wino's spittoon, which would spoil the solemn occasion. He was stuck. I was sure he swallowed a good bit of the tobacco juice.

The other guard in the room was Hollywood, who was all eyes.

This was a great occasion for him. His elevator cap, with only a leather strap, was pulled down to the side at about the same angle as the General's. His blackjack was loose, and he stood "at ready" like a hunter when he sees game. The other guards were Queenie, Buck, and Stazy. I stood in the back of the room leaning on the wall.

One of the guards, at a nod from the General, stepped out to the corridor and called, "Come in."

Bones stepped in, cap in hand, but he still did not look at me.

"Bones, what have you got to say about this inmate?" Wino pointed at me.

Bones turned towards me for a flash and said, "Well, sir, just like I told you. He gave me a dollar bill. That is all."

"Officer Queenie, is this true what you just heard him say?"

The fat man resembling a hippo in a zoo said, "Sir, that is true. Yes, sir."

Then with an effort, but still not looking at me, Wino asked, "And what have you got to say for yourself, Nelson?"

"This is the damnest bit of fakery I have seen since the day I was framed by that notorious fascist, Musmanno."

"You can't say that about Judge Musmanno here," the General shot at me.

"Stand straight and don't lean on the wall," interjected Hollywood. "Can't you even respect the office here?"

"Take your hat off, too, when you address the officers at this trial," remarked Big Shot, just saying something to earn his keep.

"First of all," I said, "I turned in every cent I had to the office before I ever got to the bath house where I saw him. Secondly, I was frisked by the guard before I got to the bath house. Thirdly, why would I give him a dollar? I never had any reason to speak to the man. Why do you say I gave you the money, Bones?"

"You did flip it to me."

"Where? Where?"

"You know where."

"What for?"

"You know what for."

"Well, tell me why."

"That's enough out of you, Nelson," said the General. "You've been nothing but a troublemaker since you came to us. There are

two witnesses against you and that is all."

"Just a minute. . . ."

"That is all, Nelson. You've had the longest trial here, longer than usual, and we can't sit here all day. That is all. Step out there and wait."

From where I stood in front of Wino's office, the road led to the shop or to the hole, and I knew I wasn't going to the shop.

Bones came out with Beer Belly and turned towards the yard which led to the shop. Pulling his cap on as he passed me, he almost ran towards the iron door, leaving Beer Belly a distance behind him. I thought about his type, which wasn't new to me anymore. A stool in the shop, a stool to finger a person in court or a congressional committee, a stool in this jail—they always act the same way. Some get jobs and money and ill fame. This one was going to be paroled and his "service" today would cut his six-year sentence to three years. He went out on the Monday following the Thursday when he helped to frame me. Now he is on the streets selling dope and committing robberies for which he was thrown in jail the last time. The only thing he learned in the three years spent in this place was to become a degenerate, physically and morally, and a common stoolie. The latter may pay off better now; he can join the Cvetics and Crouches and get \$36.00 a day plus.

The four guards, headed by Big Shot, came out, their faces lit up with smiles, and walked over to where I stood. Hollywood said, "Come on" and led the way down a pair of steps to the basement on the way to the hole.

12. *"Don't Call Me Shoemaker!"*

I followed Big Shot through an iron door into a large room; the other guards followed me. We went across the room towards still another iron door, which must be the gate to the hole. Big Shot's great hulk of a body nearly blocked the whole entrance as he stood fidgeting around with the brass key, which must have weighed half a pound. Finally the crude mechanism ground and the door opened. Flicking the electric switch, he stepped down

into a long dreary room with blank wall on three sides and a line of fourteen cells on the other. From where I stood I could see several naked men peering at us, dirty unshaven faces, sunken eye sockets. At first I thought I was looking at skeletons in a wax museum. My observations were cut short when Big Shot said, "Take off all your clothes, shoes and socks, too." It took me but a minute, but I wasn't fast enough for him.

"Get going, we ain't got all day to fool around with you. What do you think this is?"

In the meantime the General himself had come in to see how things were going, and he said, "Let him take a shirt and pair of pants and put him at the end of the range."

I thought, well at least they'll give me a shirt and pants, that will make it a little more comfortable. But I soon saw what the "shirt and pants" were. There was an old barrel containing some terrible smelling rags, and I was told to pick my "clothes" from that. These were the things worn by the inmates in the hole. They were never washed, the "shirt" was so grimy and hardened by human sweat and dirt, it felt like hard canvas that had been weatherproofed.

"Come on, grab those things, don't be picking them all day."

I was given Cell 13, because the lock in Cell 14 didn't work right. Inside, the air was suffocating and the cell was totally empty except for a seatless commode, which was flushed once in twenty-four hours. There was no stool, not even an iron bed. There was no water.

The guards left. The place became almost completely dark, even though it was just about 10 A.M. I didn't put on the shirt and pants, which were so crusted from human dirt and sweat that they stood up like frozen clothes on a line. My feet were especially uncomfortable. The unfinished concrete floor cut the soles so that they really hurt. The smell of human bodies was awful. At first I could hardly see, but gradually my eyes got used to the bit of light which came from the small bulb burning at the end of the long corridor thirteen cells away. While I couldn't see much, there actually was no need for light since I had nothing to read or do and nothing to look at but the dirty yellow walls. Nevertheless I missed the light. I felt the walls with my hand. They were damp and grimy. Then I walked over to the door, held onto the bars, and began to stare into the empty dark.

By my reckoning of time it should be close to 10:30 A.M., the dinner hour in the mess hall above. That meant it was close to our bread and water "dinner" in the hole. But I heard no movements of any kind, nothing to indicate the usual anxiety of hungry persons or animals at feed time. However, I thought, what noise could there possibly be here, when there are no dishes, cups, spoons, or any other objects to make a sound with? When several inmates began to yell, shrieking at each other, I figured this was the "pre-dinner" noise of the hole.

As I strained my ears, I finally began to distinguish various sounds. At first all I could get was a great loud echo such as I had never heard before. It seemed as though each word was repeated three times. The hole was bare of any objects to absorb sound, any clothing or furniture, which seemed to increase this peculiar phenomenon. It was something I had always associated with a canyon or a narrow and deep valley. Only there it would have been thrilling and pleasant, while here it was weird and depressing. And on top of that, five or six men were all shouting at once. Maybe the confusion and unpleasantness were worse to me than to others because of my separation from them by the six empty cells, a distance of eighteen feet.

I heard a man calling my name but couldn't make out anything else he said. Other men were trying to repeat it but still I couldn't make it out. I called, "I can't understand you" and "Please try to talk slowly, one at a time."

For a few moments there was silence. Then one fellow began to say something; another began to yell; and so the bedlam started all over again. As time went on my ears got used to the wild sounds and I understood better what was being said, I made out a part of the conversation, which went something like this—

"You're crazy as a bed bug."

"It's you that's crazy, you s-o-b."

"Who's a s-o-b, you goddamn bastard?"

"I say it's you that's crazy, you should be down at Woodville."

"Your mother's down there now, you dirty, dumb bastard, that's where you belong."

"You say that again and I'll knock your goddamn head off when I get you in the yard."

"You and who else, you dumb hick, you moonshine-drinking

hill-billy. If I get hold of you I'll cut your goddamn throat from ear to ear."

It seemed that prisoners coming from larger cities had always referred to the men from distant places as coming from the sticks. This West Virginia miner was the butt of this kind of jeering.

The iron bars literally shook with the noise, and the language was the foulest I've ever heard. I wished now that I hadn't understood any of it. The shouting got more violent by the minute as men took sides in the unintelligible argument. Blood did not flow only because they couldn't get at each other.

Nine days of this, I thought to myself! How to stop it? What can any one do? I felt sure that this environment had brought the men to the brink of madness—the gloomy atmosphere, the hunger, the abuse. After all, I didn't make these conditions. Could I just sit it out and do nothing? No: nobody could live through this for long.

I tried to break in on the shouting and screaming. "Hey, fellows!"

No one heard me.

Suddenly a heavy tread was heard approaching the door.

"Sh, sh, sh, sh." All speaking stopped. The place was still.

The key turned, the lock ground. By the sound of the feet over the iron threshold and two iron steps down to the cell block, you could figure how many men came in. At least five or six, I thought.

I craned my neck to steal a glance at the newcomers. Perhaps this is "dinner"? Perhaps they brought in a new man?

They may be letting some men out of the hole. My head was pressed against the bars at one end of my cell but I couldn't see a thing, even though the guard put on the lights as they stepped into the hole's cell block.

They're not bringing food. If they were they would be making some noise. No, it's not bread and water. I must have missed it by a few minutes. This is going to be hell, I won't have even a piece of bread until 4 P.M. The very thought of it made me ravenous.

"All your clothes off," said the guard. "Shoes and socks, too."

So it was a new inmate, maybe two or three. Finally two men appeared in sight, naked and bare-footed, each carrying an old army shirt and a pair of old pants. They were put in Cells 8 and 9, partially closing the gap between me and the other inmates. For

the moment I was too pleased at that to reflect on the fact that two more men were being subjected to this cruelty. I'll be closer to others, I thought—I'll be more a part of whatever is going on.

Everything was quiet. On the dirty wall, toilet art of all kinds was scribbled everywhere. Someone had written, "Here you've got nothing but time to kill, and time kills you." Just as I became interested in philosophy and the "murals," the lights went out again.

After the guard left a man started singing—the same man in No. 1 cell with the loud voice whose monologues usually brought on the first cries of, "shut up you nut." He was called the "shoemaker." Now, just as before, a man in Cell 3, 4, or 5—as far as I could make out—told him to "pipe down."

"You pipe down yourself," the shoemaker yelled back.

My head was pounding. I decided to sit out this round, wait until things got a bit more quiet. One of the new inmates asked a question but no one could understand him. Some inmates tried to tone down the singing. They shouted "Pipe down, we want to hear what the guy is saying!" No one said anything for the moment. In that moment I spoke up.

"Listen, fellows. What's the sense of us yelling at each other? We didn't put each other in this hole! Why should we eat each other up? Why should we be taking it out on ourselves? This only pleases the rats who put us here."

No one interrupted me. No one challenged me. What amazed me too, was that I was hearing things much more clearly. I went on: "If we talk one at a time, we'll be able to hear each other, but if we talk at once, we'll get on each other's nerves for no reason at all."

Someone down the line said, "That's right, buddy. But how in hell can you shut this crazy nut up?"

I didn't understand him but someone closer to my cell repeated it for me.

The fellows in cell 1 and 2, "Shoemaker" and "Hill-billy" went on calling each other foul names. Others hollered at them and the fight started all over again. It lasted a good hour.

Finally I heard one fellow say, "Hey, Steve, tell us about your outfit. We heard all kinds of stuff about you. You read it in the papers and hear it on the radio. You tell us why you got that twenty-year stretch."

"O.K., later, not now. Let's get to know each other, and then we can discuss all kinds of things. How about if we introduced ourselves first? Who's Who—in the hole."

"That's a good idea," someone yelled.

"Yeh, let's hear who we are, where we come from, and what you are in for!"

"Yes, and how long you've been in the hole."

The men in cells 1 and 2 continued to talk. "Oh, bull. I don't give a damn what anyone is in for, all I want to do is get out of this place. I don't care what anyone else is in for, and who anyone is."

"Yeh, me, too," said the "shoemaker." "I don't care to listen to anyone else's troubles. I got enough of my own. I am not going to tell anyone else about it. It's nobody's goddamn business anyway."

"O.K. you don't have to. But for Christ's sake, pipe down when we want to talk," begged the men in the cell near him.

"Oh, bull shit, all you want to do is talk all the time!"

"That's right," I said loudly, as fast as I could. "One or two of us can't talk all the time. Why don't we sing or tell jokes?"

"That's a good idea, let's do something together," a voice replied.

"Let's sing. Can anyone sing?" I could hear the echo of my own voice. "Can anyone sing?"

The man at the far end said, "I can sing."

"Who said that?"

"It's Shoemaker." It was his booming voice that spoke.

"Okay, sing something. Let's hear you."

"He can't sing."

"The hell I can't."

I was afraid the old argument was going to start again; but no one spoke except Shoemaker.

I coaxed him: "Go ahead and sing to us." There was no response, and I thought that something must have irritated him, for he kept quiet much too long for him.

"Hey, buddy, you in cell 1, what's your name? Your name Shoemaker?"

"No, goddamn it, that's not my name. My name is Jamison. Just because I was put to work in the shoe shop here, everyone calls me Shoemaker. My name is Jamison!"

"Okay, Jamison," said someone else. "We might just as well get our names straight. Let's call off the cells and hear all the names, and explain why you are in the hole and when you are due to go out."

So roll was called. Each inmate gave his name and explained why he was in the hole. In most cases the explanations took some time. Then, as the roll call ended, Jamison in cell 1 started to sing. He chose the theme song of the Workhouse band, which everyone knew: "Oh, why don't you believe me?" Because the band was actually able to play just this one number, they played it on all occasions. But Jamison sang it well, almost like a professional.

Soon someone else led off with a song everyone knew and most of the fellows joined in. The singing went on for a good hour and while often it wasn't much, it was a lot more tolerable than the wild shouting and quarreling. During the lulls the conversations became more orderly. We devised a rotation system so that one man spoke at a time. Then we sang again, and I marvelled at the variety of songs the men knew. The Shoemaker was now called Jamison with the respect accorded a celebrity. He had earned it not only because he had the best voice and never seemed to tire, but especially because he sang over a hundred songs during the four days I spent in the hole.

We were happy over the turn of events. It wasn't the violence or the volume of the shouting alone that had bothered me. It was the vicious atmosphere it created. The idea that victims of such cruel mistreatment could take it out on each other instead of their jailors—that was what disturbed me. I could just see the sadist officials walking out of the hole-corridor, turning off the lights and locking the door, then listening to the animal-like noise and fights that started as soon as they stepped out. They must have been happy about it, for they never let on that they knew what was happening.

But when is bread and water coming? Will 4 P.M. ever arrive? It must be close now. . . . For a while this became the one subject of conversation.

"Oh, how I want some of that bread!"

"They're coming! Hear that!"

"No-o-o-o, they can't come yet."

"Yes they are, you'll see."

There were several false alarms like that before each bread-and-water crew arrived. Finally the door did open, the clatter of feet was heard down the iron steps to the hole.

Lights went on.

All the voices vanished, for speaking was prohibited when the guards came in. I hated that practice. It seemed like slavish submission to the guards.

13. In the Hole on Bread and Water

Guards came in to do their last chore for the day. A board was shoved in and an old blanket dropped in front of my cell. Grabbing the blanket, I pulled it under the door, folded it, and laid it on the board. I sat on it in such a hurry that I nearly collapsed—the bottom of my bare feet on the sharp concrete floor had become unbearably sore. The blanket stank of human sweat, unwashed feet, and mildew from the old barrel in which it was kept. Now that I could stretch out on the board, I swept my hand along the floor fishing for crumbs of bread which I hoped to eat later. I found something, but wasn't sure what. Anyway, I laid it on the crossbar where I could see it when the guard put on the light to punch the clock, something he did every hour at night.

Stripping off my shirt and old army pants, I rolled them into a pillow. Still I couldn't lie down to rest. I walked up and down on my board and blanket enjoying the softness on the bottoms of my soles. The perspiration rolled down like water after a shower. . . . I never before realized how objectionable one's own odor could be. . . . The place stank. I lay down again, and then I realized why the blanket smelled so terrible: it had served as a towel and a blanket for someone else last night, and the night before, and every night since the blankets were bought from the army seven years ago—the last time blankets had been purchased.

The thought of putting my face on that heap of vermin-infested rag made me recoil. But I had no choice and, like everyone else, I lay on my back and soon fell asleep.

The other prisoners were talking as I woke up. "What time can

it be, fellows? I fell asleep. How long did I sleep anyway?" I said it in one breath as if I had to rush to catch a train.

"Oh, you been sleeping about twenty-five minutes," said the fellow in the next cell. God, only twenty-five minutes—and I'd thought that because the others were talking the night must be over!

The boys were tired of singing. They were telling stories about their life experiences, but they talked without screaming. Things had to be repeated constantly so the prisoners at one end could know what was being said at the other. Little "Missouri," who had been brought down that afternoon, repeated for our end; he was centrally located in Cell 8, and could hear and be heard at both ends of the hole.

The name of the state he came from stuck to "Missouri" wherever he went, including the jail here. Once he had been called "Kid" but he disliked that because he was almost seventeen years old and wanted to be a man. "Missouri" was preferable even though he'd just run away from that state. It was where home was. But home did not want him, or at least so it seemed to him, and he left. In the hole this afternoon he told us his father and mother were dead; his older brothers and sisters raised him and the other younger children. They lived on a farm, they were very poor, the work was never finished, and his older brothers and sisters made it tough for him—never any fun in life, never any money.

So Missouri, as he said, upped and left home, left without a penny. For his first weeks out on the road he lived on the bread he had taken from home and a sack of cottage cheese. He wandered across the country, east and north . . . anywhere the roads took him. Best he could do was to get odd jobs in restaurants, washing dishes, cleaning vegetables, carrying garbage. When he thought he'd stayed long enough, and his belly was full, he left the first chance he got for a truck ride.

Finally he hit Pennsylvania and was headed for Erie where he had heard he could get a job; but in Warren, Pa., he was picked up for vagrancy and given six months in the Allegheny County (Blawnox) Workhouse.

A lanky fellow, Missouri had a broad forehead and a dark brown crop of hair that was always neatly combed to one side. A few patches of freckles made him resemble a grown-up Huckle-

berry Finn. While we couldn't see his face here, we all knew just what he looked like—he was well known in the yard. This was his third time in the hole in the four months he had been here. He had written a letter to his sister about the spot he was in and asked her for a few dollars and her forgiveness for leaving the way he had, but he hadn't got an answer.

Missouri was rather shy but likeable. Even the hardest prisoners were friendly to him, and some pitied him. However, the guards had no such feelings—some of them picked on the kid and threw him in the hole for next to nothing.

"Why are you in this time, Missouri?"

"For eating an apple."

"What do you mean, did you steal 'em and keep 'em in your cell?"

"No," Missouri answered, "it was like this. . . . I work on the canning gang in the yard—you seen us working on vegetables and fruit, it's being canned now. . . . I work with the crew making applesauce. We handle apples by the truckloads. They smell so good and I was just hungry for an apple so I ate one and Hollywood spotted me. He hauled me before the big shots and here I am."

"What did you get?"

"Nine days—because this is my third offense."

"Who is the fellow next to you?"

"You mean in 7?"

"Yes."

"Oh, they call him 'Sailor.'"

Sailor was a Negro vet who served in the army at the end of World War II. He had been a guard once but not at Blawnox. Quite the contrary: he had had the more spectacular and honorable job of acting as a guard over the Nazis at the Nuremberg trials. He told us how he had escorted Goering to his cell several times, looked at him through the peep hole, and thought, "Look who is looking at me."

And now: "Hell, they aren't even looking at me. They just throw me in and forget to take me out. At that time, the army put a few Negroes in as MP's; now I can't even get a good job to make a living. They needed us then—they had to tell the world that there was no discrimination. But look at this place: I'm not allowed to even work in the barber shop."

The Sailor, who worked in the rag shop, was well known among all the prisoners in Blawnox, though no one could say what his real name was. He was one of the men who had spent six weeks on the shelf and nine days in the hole that April because of the strike to compel the authorities to pay ten cents per day to the inmates, the "wage" in the State prisons.

Having been in the hole before, Sailor knew everything about the place. Most of the questions were directed to him and he readily answered them. He knew the meaning of every sound and movement about us. . . .

"That's the last count—now they're going to flush the toilets," he said. And sure enough the toilets were flushed by the guards. The stench was abominable.

Suddenly an inmate yelled, "Holy smokes, my toilet is running over, Sailor, what the hell can I do to stop it . . . the stuff is running all over the floor of my cell!"

"There isn't a thing you can do, buddy just hold your nose and try to keep your clothes and blanket from getting soaked in the stuff; they'll move you to another cell when they come down to punch the clock."

"Oh, the stink will kill me . . . it's awful . . . I don't dare move, it's so dark to see—the damn stuff is still running all over, Sailor."

"Just calm down mate, there isn't anything you can do . . . just keep your shirt on," the Sailor went on calmly. . . . "The bastards, they keep us down here in this hole, caged up at the end of the sewer-line so we get one of these overflows once in a while. It's the way the pipes are fixed, the pressure from the top tier, four stories up, from all the toilets in this wing which is around 300, is so great that when they're all turned on at once, which is the way they do it here, something's got to give. . . . I've heard fellows tell how a few times there was three inches of that stuff in the whole cell block all over the floor before they managed to stop it. . . . The guards had to put on hip boots to wade in through the stuff to reach the cells and open the locks."

"You're kidding, Sailor," said the fellow in Number 6 cell, who hardly spoke a word all day long, "You're making that up for sure."

"Man," said the Sailor rather forcefully, "you think I'm kidding you?—you know me, man, I'm surprised at you. Did I ever tell you a lie?"

"No, Sailor, you didn't, but I thought maybe that guy who told you made it up," he explained.

"It's true, it's true, goddamn it," spoke up Jamison in Cell 1. . . . "I heard it from the fellow from North wing, he's been here a hell of a long time. . . . He was in the hole when it happened. . . . You can ask him when you get out."

"There you are," said the Sailor. "Didn't I tell you. They had some sort of an investigation by the County and State officials, they condemned the place as unfit . . . but that was years ago and not a damned thing's happened yet."

"Yeah . . . nothing's going to happen here—never."

The man whose toilet ran over cut in, "Something better happen soon or I'll be sleeping like a sewer rat tonight."

"Here comes the guard . . . sh . . . sh . . ."

The door opened, the switch clicked, the lights went on, and the guard started counting the inmates. "What in the hell is this?" he asked as he came to the running mess on the floor of the corridor in front of the flooded cell.

The man in the cell said, "Yeah, the damned place ran over."

"Phew, what a stink, goddamn it, why do I have to have this beat? Sonofabitch!"

He walked over to the lever that operated the basement window which, when the wind was blowing in the right direction, forced a little air into the place. He worked and turned all the levers till they wouldn't turn any further.

The guard said, "I'll get some help." And he went out without putting out the lights.

Soon two guards came in with him . . . one was Hollywood. He came over and stood across the corridor directly in front of my cell, leaned against the wall, his hat over one eye, arms akimbo, and said, "Now you're in the kinda place you're born for, eh, smart guy?"

I turned over and didn't answer, as if I didn't know this choice bit of wisdom was meant for me.

"Hey, can't you hear?"

I continued to lie on my side, facing the wall.

"You there, answer when you're spoken to, Nelson!"—and he walked over across the eighteen-foot-wide corridor towards my cell.

I lay still on my board and blanket.

"You want me to come in there and teach you respect, you smart bastard?"

I got up into a sitting position, holding my knees. "I didn't think your insults called for an answer, so I decided to ignore them."

"You better not ignore me, I ain't gonna let you, see." He flashed the light in my face.

"Next time I say something you better listen, I'm your boss here and don't you forget it. And one other thing, stand up when you're spoken to."

I did not stand up. He stepped back to the wall and began to supervise the operation, cleaning up the flooded cell and moving the inmate to another one—all the while keeping an eye on me. I stretched out, paying no further attention to him.

The guards left.

"That sonofabitch," said the Sailor. "He was really picking on you, Steve . . . I was sure he was going to cut you up as soon as I saw him march down to your cell. . . . You outsmarted him by standing up when he told you to. If you hadn't, that would have been enough for him. But it's okay, you told him off enough, you could afford to stand up once you gave him a good one. You sure are lucky; he isn't very smart, he didn't even catch on when you hid. . . . All he could see, you were laying down. You were laying down, weren't you?"

"No, Sailor, I sat up all the time. He was sore. And I never did get up on my feet."

"No? You didn't get up, you say? And I thought you did when he walked away from your cell. That's never happened to Hawk-nose before. I'll be damned!" "Steve," he ended seriously, "he'll be laying for you more than ever."

It was a hot stuffy night, and the smell from the overflowed toilet lingered. I rolled and tossed on my board and blanket bed. Every time my face touched the stinking blanket I turned to lie on my back.

The last time I woke up was when they handed me my three slices of bread and a cup of water. Other prisoners were pushing out their boards and throwing out their blankets. The guard said, "Get your stuff out, Nelson, we ain't got all day." I pushed it out and stepped onto the rough concrete floor in my bare feet.

Before the guards left, which wasn't more than a matter of minutes, I was through with my three slices of bread. The water tasted like the nasty tin cup from which I drank it. I made sure I got it under the lower lip of my mouth. Then I thought, how silly can I become in this place? I laughed at myself and looked around to see if by chance there wasn't a faucet for more water, so as to keep away a threat of hiccups—though I knew the only water in the cell was turned on twice in twenty-four hours to flush the commode. The guards wouldn't be back until 10 A.M., three and a half hours away. I reached for the old rusty cup, put it under my lower lip, and drank up the last few drops. Now, I'd just have to wait for the guard. Damn them, I detested every human who would sink so low as to be a guard at this place. Yet I wished one were here right now so I could ask for a drink of water. "This is where the opposites meet, or need each other," I thought, but I stopped myself from indulging in philosophical excursions at this level.

"Let's have a quiz," I suggested.

"Nah," said the West Virginia miner, "I don't like them, it's too much like high school stuff. Besides, my education ain't been enough."

There were no comments. I had hoped that someone would pick up the idea. When no one did, I said again somewhat half-heartedly, "We're going to do this quiz differently. We can make our own rules. We don't need to try to act smart. We don't need to stump each other. We can learn a few things and it will help pass the time."

The Sailor spoke up. "Hey, West Virginia, let's hear what it's like, what have you got to lose? Let's start it and you'll see."

"Nah, I ain't interested. You go ahead."

"Okay, Steve," said the Sailor. "Let's get it started. I want to win a DeSoto and I'll tell 'em Groucho sent me—I!" He broke out laughing at his own joke.

"What's the joke? I don't get it," said the man near the end cell. It was clear he had been in jail for years—he hadn't seen the Groucho Marx TV show. One of the newer inmates explained it to him and even told and reenacted some of Groucho's jokes. By now the ball was in my hands again. But what to do first? I figured that the most common area of facts among these men would be

some branch of sports. So, fearing that the situation would drift back to mad yelling, I quickly picked a question: "Which one of you knows the score on baseball, boxing, or some other sport?"

"I know boxing, baseball, football," said the Sailor. Someone added, "I know basketball."

"Okay, Sailor," I said. "You start the game. Let's all get the facts on heavyweight champs up to date."

We spent a good hour on heavyweights, then branched off into other sports. We kept it up even when the guards came into the cell block.

"Where did Johnson fight Jess Willard?" the Sailor asked.

The young guard, new on the job, went about his routine, not noticing anything out of the ordinary. But Sergeant Stazie, a small guard with gray hair, still grayer eyes, and a powdery skin, giving the impression of death, left his spot at the end of the cell block to see where the conversation was coming from. As he approached the Sailor's cell to bawl him out for "talking," the Sailor said, "Hey, Stazie, you know all about boxing—we can't agree where Jess Willard and Johnson fought for the championship. The fellow down here says it was in Salt Lake City and I say it was in Havana, Cuba. Which is right?" He spoke to the guard as if they were intimate friends.

For the first time that anyone remembered, Stazie, who had spent nineteen years at the Workhouse, spoke civilly to a prisoner in the hole. He answered, "Let me see—sure, you're right, Sailor, it was Havana, Cuba."

The Sailor said, "You see, I told you guys that Stazie would know. He knows all about the oldtime boxers; he used to be a boxer when he was young. Ain't that right, Stazie?" I could see the Sailor winking at the wall and laughing to himself as he gave the guard the soft-soap. He kept on asking other questions of Stazie "which we couldn't settle."

Finally the guards left. Jamison let out a yell, "Yahoo!" and smacked his heavy haunches with the palm of his hand; it sounded like a rifle shot in a deep canyon. "Ho, ho, that's the first time we could talk in the presence of the guards. You sure put that one over on him, Sailor!"

The men were as jubilant as if a major victory had been won. They proceeded to discuss ways of clinching their triumph. A plan

was made: who was going to bell the cat, and how, the next time the guards come to the hole. When the day was over we all felt that we had gained an important step toward self-respect, even in this foul place.

In the next few days we went from sports to literature, names of authors and scientists, explorers, inventors, and key figures in history. Some of the angles covered were unique to many of the men. The participants learned that Alexander Dumas, the French writer, was a Negro, a bit of information proudly imparted to the inmates by Sailor. The exploits of Benjamin Banneker and Toussaint l'Ouverture, the Negro leader who beat the armies of Napoleon, the discoveries of Carver and many others, greatly impressed most of the white prisoners, particularly Long John, the one from the Rag Shop who was in the hole because he had provoked a fight with a Negro prisoner by his anti-Negro remarks.

As the never-ending night wore on, I adjusted my head on the hard board and reflected on the events of the day just past. I was impressed by the strangeness of the life of men thrown together by circumstance. Here was a place made to order for lowering human dignity. Here was a place where the authorities hoped to further antagonisms between Negroes and whites. And yet I was ready to bet that at this moment it was the best place in the City of Steel for learning to overcome race hatred. I didn't fall asleep until the small hours of the morning. I was too agitated, and so was my friend, Sailor. We talked in low tones, hoping that it wouldn't disturb the others. But no one seemed to complain. I had the feeling that others, too, could not sleep.

At the end of the fourth day, my attorneys, Powe and Edises and Schlesinger came to visit me. They informed me that since my new trial was about to start under the Smith Act, I would be transferred to the Iron City Jail, probably the next day. Despite the hatred I developed for these fakeries which pass as "trials"—I had been through three such in the past two and one-half years—I was glad to be going, just to put it over on the gang who had thrown me into the hole.

"What's up, Steve, what did the lawyer tell you?" the Sailor asked as soon as the guard was gone.

I told them about the next trial.

"Wonderful," someone exclaimed, thinking that I had been given a *new* trial.

I had to explain that I faced another trial, in the Federal Court this time.

"Yes, but is this a new charge, or a separate offense?"

No, I explained, it was the same charge, same so-called offense, same type of law.

"How can that be? That's double jeopardy. They can't try you twice for the same offense," spoke up the Sailor indignantly.

"Sailor, you know it's against the law to treat the Negro people the way they do," I said.

"Yes, I know," the Sailor answered. "We have our rights taken away, they exist only on paper . . . the Constitution, and the Bill of Rights, and the various amendments are fine, but they are violated when it comes to Negroes. Now it's the same for you because you are a Communist. Musmanno and Montgomery can throw you in jail by trying you before twelve prejudiced jurors, just like in the South they put a Negro on trial before a bunch of anti-Negro jurors, and if the charge is 'rape' your goose is cooked."

"That's just about it. But if they can frame me and take away my rights, then nobody is safe," I said.

I told the boys, "I may go away in the morning," and that was what happened. But before I left they proposed that if I came back from the city jail to serve my time here, we should meet in the yard and organize the "alumni of the hole." I pointed out that I didn't know some of them; however, the Sailor knew every man and he said that he would see that the plan was carried out.

As I left the hole I was hungry, starved, dirty, unshaven, unwashed, sore-footed, naked. For all that, I felt a little sorry to leave these men whom I could not even have recognized if I met them outside. They were numbers and voices, yet they were men I had hoped to meet. I was sure they would never forget the time in the hole. I knew I couldn't.

14. *Penicillin Cure on the Concrete Bed*

After I had spent three months in Iron City Jail preparing with my lawyers and friends for the Smith Act trial, the judge in the case got sick and later died, which delayed proceedings for some time. While in the Iron City Jail I again wrote to people asking for their support. I told them about the crude frameup and the twenty-year sentence; about Musmanno, the local McCarthyite, and his friends, Judges Gunther and Montgomery and O'Brien; and about the threat to labor if these trials continued and the reactionaries were allowed to use the Sedition Act against me and my friends. I wrote as many as six and eight letters a day, some of them to people overseas.

In return I began to receive up to twenty letters a day, many pledging support, sending me money and copies of the protests they had written to the District Attorney and Governor Fine. My friends on the outside, the Veterans of the Abraham Lincoln Brigade, members of the Civil Rights Congress, many nationality people, responded with real practical support.

At this stage the fight was directed to the governor and attorney-general to grant bail. My Josie and Bobby wrote me that they had met many friends who had sent letters urging that I be let out on bail.

Judge Montgomery was in the midst of his election campaign for the State Supreme Court, running on the slogan, "I sent Nelson to the Workhouse for twenty years." He made that statement at a meeting addressed by Harry S. Truman in Pittsburgh. Vice-President Nixon came to Pennsylvania on behalf of the Republican ticket and made several speeches praising the McCarthyite Pittsburgh judges for "sending Nelson to jail for twenty years."

At this time Judge Montgomery was getting a large number of protests against that twenty-year sentence. He himself stated that he was receiving telegrams from overseas "some of which I could not read" and that "there were enough of them for Nelson to paper his cell." Of course, the judge added, he was turning all of them over to the FBI—he hoped to frighten people into keeping silent.

The judge lost the election, and he took his defeat very hard. He knew, of course, that I was writing letters exposing him and

his gang—all letters were censored by the prison guards, who reported to the judge. He knew, also, about the work of my friends on the outside, the weekly visits from my wife and the sessions with my lawyers who could visit me more easily here than in the Workhouse. So he ordered my transfer back to Blawnox till a new judge would have been appointed to try the Smith Act case.

At about 8:30 A.M. I was lined up on "sick call" at the Iron City Jail because of a nasty infection in my right ear, when the guard yelled, "Nelson to go."

I knew what that meant—back to the Workhouse!—back to the hole, where I still had five days to serve. I could see myself in that Nazi-like dungeon with my infected ear and a cold, without a bed, living on bread and water!

Fortunately they picked Wednesday to transfer me—my visiting day with Margaret. At least, I thought, when she comes and doesn't find me here she'll know I'm in the hole. She already knew I had had ear trouble for over a week and that I had been getting penicillin shots here. My lawyers were also due sometime that afternoon. So I was reasonably sure my friends on the outside would find out I had been transferred.

I was forced to leave the "sick call" line before I got my penicillin, although I would have had it in only a few more moments. I packed my stuff, sent the books I had to the Carnegie Library, distributed my "belongings" to the inmates—a few bars of candy, some paper and envelopes—and left.

The deputies were in a hurry and drove fast. I kept thinking: there's only one hope now, my friends on the outside throughout the world. I was sure they would respond quickly, but would they know in time? My ear was pumping, and pained me a good deal.

A cold wind blew snow flurries as we crossed Highland Park. The Allegheny River, wide and calm above the dam, was frozen over. A few barges loaded with coal were being led through the locks. The Children's Zoo in the park was closed for the winter. I noticed the large open-mouthed Whale was boarded up. On the right bank of the river the cliffs were now bare—frozen, but beautiful.

Who knows what things will be like the next time I see this view? I thought, as matters stood now, man was not in control of his fate even to a minor degree, if he dared oppose the pro-fascist

gangs—and I was one who had opposed them. . . . But right now that didn't bother me. Momentarily the world revolved around two things: my ear and the hole. A small perspective to be sure, but that was what it was.

At Blawnox nothing had changed. The large iron door opened, and I passed through with the deputies. Queenie, the guard who aspired to replace the General if ever the latter retired, opened the cage from the inside. After a cold look at me, he wrote a receipt for my person and gave it to the deputy.

"See you again, Steve," one of the deputies said to me as he left. I didn't answer him; I didn't want to be on friendly terms with a guard or deputy, even with one who was more or less civil to me. I saw them as joints and cogs of the oppressive machine.

I was ushered into the large corridor which reminded me of the "cattle run" in the slaughter-house where I once worked, chasing pigs and cattle to be killed. Thirty years ago that had been, yet the memory came to me as vividly as any experience in my life. After all, it was not so remote. Here men were being shoved and pushed down steps—to the hole—just like cattle. Often they were splattered by human blood. In the next hour I was to go down those steps and live there like the pigs I used to chase down the ramp to be butchered. . . .

"Strip; get your stuff in basket number eight . . . get yourself a pair of those pants from the barrel and a shirt, too," said Big Shot, who had made sure that he would be my escort to the hole when I returned.

I picked up the grimy pants and shirt from the barrel. Then, without looking at Big Shot, I tried to pick up a "cleaner" pair. It just might be possible to find some that at least didn't show the human grease round the shirt collar.

"You're not going anywhere," Big Shot sneered. "Why are you so particular? You trying to get a pair of pants with a nice crease?"

"Look at this stuff—I wouldn't put this in a barrel for a dog to sleep on. A man would have more concern for the animal."

"You'd be better off if you'd keep your thoughts to yourself—yes, to yourself." He looked at me cynically.

I didn't answer.

"Get over to cell 8. Let's go."

"Say, I want you to tell the office that I'm sick, I got an in-

fectured ear. I should see a doctor soon. And tell them I want my clothes and shoes, I can't lie on this cold concrete floor with this infection without clothes."

As he was about to go, he opened the cell doors again and said, "Listen here, smart guy, no one else has got his clothes and shoes here. This is the HOLE, mister, this ain't no sanitarium. . . . He wants his clothes! He wants his shoes, and a doctor too! . . . Jest like one of your kind . . . no wonder you landed here. . . . But even this is too good for you. . . . You'll get used to it, don't think different, Nelson."

"You tell the office what I told you. I don't care what you think of me, I'm sick."

He turned away and put out the lights.

The door shut.

"They got you back, Nelson," someone spoke up in a nearby cell.

"Yeah. . . . I'm back."

"How much time do you owe them in the hole?"

"Five days."

"Five days?"

"Yes, and five nights."

It was cold in the hole. I was lying on the rough floor. The pain in my ear was severe, and I didn't pay any attention to who came in and why. Guards brought in the 3:45 "supper," three slices of bread, and water in the rusty tin cup. I had a fever and didn't feel like eating. I put the cup of water on the cell floor and put the three slices of bread on it and let it stay.

After the guards came in, took the final count for the night, and left, a fellow called Slim said, "How's about joining us in a quiz, Nelson? Or are you too sick?"

"I'm afraid I am, Slim . . . you fellows just go ahead, don't mind me."

The others went on with the quiz. I was amazed that they followed the same idea we had developed two months earlier, when I was first put in the hole; after the key question was answered they did not stop, but elaborated on the subject.

The crew came to hand us our "beds," the board and the blanket.

I was shivering, and I hated the thought of spending a sleepless night with a cold also coming on—on top of the pain from my

ear, which continued to throb and discharge. There was nothing to wipe off the discharge with. I used my finger for wiping the pus and the palm of my hand to pump out my ear, as children do when they are swimming and diving. This relieved the pressure which caused the pain and itching.

As the new guard came over I said, "Can you bring me an aspirin or something to kill the pain? I have a fever. It was over 100 when I left the County jail this morning. It must be 103 now. Get me some toilet paper so I can wipe this mess off my ear and won't have to smear it on the walls and these clothes."

"I got you some aspirins. Here they are; the night captain told me to give them to you."

I was surprised, but I took the two aspirins without looking at the guard. I asked him for two more to take later at night.

"No, I'll give them to you when I come in to punch the clock." He got one of the crew to get a roll of toilet paper, unrolled a piece, and pushed it between the bars of my cell.

To my astonishment, when the guard returned he dropped a blanket in front of my cell.

I began to feel a good deal better. However, I made sure that I didn't slacken my demands for better treatment in general, and especially for a doctor and immediate medical attention without which my life was in danger.

"I want to see the chief, before he leaves for home," I said to the guard. "Will you tell him I *must* see him?"

"What do you want him for?"

"I want him to know that he will be held responsible for whatever may happen to me. Many people know about my mistreatment, and they'll expose this place and all of you connected with it."

"Yeah, I guess they will. They're doing their damndest to give us trouble now, but that ain't gonna help you any. You're only causing more trouble for yourself, that's all. You ain't gonna change the ways of this place. You ought to know that. But I'll tell him, I'll do it as soon as I find him."

And he stalked off.

"Hey there," came from one of the cells, "they give you an extra blanket?"

"Yeah. I got a blanket and some aspirins. But I need a doctor;

aspirin and a blanket aren't going to do me any good. This infection is serious."

"Sure you need help, okay, but how in hell you expect to get it in here? Christ! I'd want you to get it, but you know they aren't going to help you any . . . it'd take dynamite to make them move."

"It's about time," I said, "to demand a change here. And it'll never be done if we accept these rotten conditions."

But the effort to talk had knocked me out. I fixed my "bed" and lay down, hoping I might fall asleep soon.

Just as the next guard left, the door opened again and the lights went on. I turned onto my belly and propped my head on the palms of my hands. By the footsteps I could tell that more than one person was on his way toward me. The General and a guard stopped in front of my cell.

"Nelson," said the General, "what's wrong with you? I mean, how'd you get all the fuss stirred up, people calling and sending wires as if we was going to kill you?"

He looked at me intently, his little eyes flashing and his lips twisted in a distorted painful shape.

"What do you call this anyway?" I asked him. "You knew I had a fever when I left the County jail, the doctor called and told you, yet you put me here into this dirty and cold place without shoes and with these grimy shirt and pants—and no blanket, not even a board till a little while ago."

"Well, you got a blanket. You got aspirins, too, didn't you?"

"Yes, I got an aspirin, but what good is that for an infected ear? Whatever happens, remember you are going to be responsible. You threw me into this hole without any reason. And as for being in jail, your friends framed me and put me here." I shouted at him, sticking my face close to the bars.

"You'll never be satisfied. Other prisoners don't make all the complaints you make."

"I'm a political prisoner. Isn't that the reason why your guards got instructions to mistreat me even more than others are mistreated?"

"How do you come to that conclusion, Nelson?"

"Big Shot told me that I wouldn't last in this place for two years—that I'd be hanging off the bars before that time is up."

"Oh, is that what he told you?"

"He must have spoken with your authority," I put in.

The General was taken aback for the moment, and found nothing better to say than, "Is that what he told you? I'm surprised at that. Well, anyway," he went on, "we can't get you a doctor tonight. You'll have to wait until morning. They'll take you over to the hospital as soon as the doctor comes in."

And he walked away talking to himself: "Why did they send this guy here? It's beyond me." But a few minutes later he was back. To my astonishment, he was holding my old shoes and socks. The guard who followed him brought in my prison clothes, which had been kept in the basket in the front room, and the General dropped them in front of my cell and said, "Here's hoping you'll be satisfied now." He continued to mumble something I couldn't understand, but I answered him, "No, I'm not satisfied. I won't be satisfied until I'm out of here—out of the hole and out of this place."

At this point I began to wonder about the other prisoners. I didn't want to be especially "favored," so I shouted after the General, "How about shoes and clothes for the other fellows? It's cold here." For fear that he hadn't heard me, I repeated it.

The General came back to my cell, crouched, and said, "N—o—o—Oh, God, no!" He held his head and walked away, saying to another guard, "Did you hear that?"

As the door closed behind the General and the guard, a loud, joyful pandemonium broke out. Far into the night the discussion went on as to whether or not the others would get their clothes. Later on I found out the extent to which people on the outside were protesting my mistreatment. Many knew that I was sick when they transferred me from the City jail. Margaret had discovered that I was gone when she came to visit me on the very morning I was shifted. Knowing about my infected ear she made it a point to call the prison doctor in the City jail who verified my condition and told her that I was supposed to get another penicillin shot that very morning but hadn't received it. My friends also began to phone the Iron City jail doctor, asking him to call the Workhouse doctor and tell him about my condition. They asked him to write to the Workhouse—and send them a copy of the letter—urging that the penicillin shots be continued. They spread the word everywhere about what had happened to me. Soon the jail authorities

complained that they were receiving telephone calls and wires about the Nelson prisoner. Judge Montgomery said that he was receiving protests too but he added smugly that "Those who disapprove of action by public officials will write and protest while those who agree with them don't take the trouble to write. The biggest letter writers are the opponents—they write very prolifically."

The prison chief complained that some Quaker had called him from Philadelphia at three o'clock in the morning. That day the *Pittsburgh Press* carried a story claiming that the Communists were about to take over a "certain religious group" in Philadelphia, "as shown by the many protests received from this denomination on the Nelson question."

At daybreak, two guards came into the hole cell block, their jackets tightly buttoned, opened my cell door, and said, "Come on, Nelson, the doctor wants to see you."

I put the old shirt and pants on top of my own "prison clothes" because it was probably cold outside and the "morgue" was a little distance away. Then I wrapped the blanket around me and we went to the morgue. A cold wind swept the yard nicked with snow flurries. It had a sharp sting. The guard walking in front of me set a slow pace, his coat collar turned up, his hat pulled down on his ears, and his hands encased in gloves. Why didn't he walk faster, damn it, he seemed to be taking his good old time. As I kicked up to his heels, he looked back and it was clear what he thought: "What's your hurry, I've got until four o'clock and that's a long way off." I said aloud, "I'm cold, I had a fever all night. I'm not dressed like you are." He made no reply, just plodded on. When we passed the ovens in which rubbish was burned near the Broom Shop I felt like going over to one of them and putting my hands against them—but I had to toe the line and walk behind the guard.

When we entered the "morgue" it was as deserted as real morgues are supposed to be. I edged over to the radiator, but found that it too was as cold as ice. Fortunately, I didn't have to stand there long. The notorious male nurse motioned to the guards to bring me in. I saw a strange man whom I assumed to be the doctor. Looking me over, he asked, "What's the trouble with you?"

"I've got an infected ear. I had a fever all night and I'm in the prison hole."

"How long have you had it?" He ignored my remark about the hole.

"For about a week."

"Oh, I see." As he cleaned my ear he said not a word until, at the end he addressed the male nurse: "—units of penicillin every four hours. When I come back here next week I want to see him again."

When I saw him preparing to leave, I said, "Do you think it is proper to have a sick person lie on a concrete floor, doctor, or even on a ten-inch-wide board with a single blanket in dead of winter?"

"I have nothing to do with those things. That's not in my line of business."

"How about the filth and the dirt in the place? Do you see this shirt and these pants? These have been worn by dozens of men without a washing."

The doctor looked at me curiously but did not reply. As he left, I shouted after him, "How about a chance to wash up? There isn't even soap or a towel in that place. Did you know that, doctor?"

"No, I didn't know that," he answered apologetically.

"You don't know?"

"No," he replied. "You see, I'm not the regular doctor in this place. I come here once a week. I have nothing to do with the running of the institution."

"How about you telling that to the resident doctor?"

At this point the two guards said, "Come on, let's go." They ushered me into the back room where the male nurse jabbed me with a hypodermic needle. Returning to the cell, I almost ran ahead of the guard to get out of the cold. I wasn't in more than a few minutes when the guards came back.

"Nelson to see a lawyer."

I was happy about the call, pleased—though not surprised—that my lawyers were on the job. Upstairs I found Attorneys Powe and Edises sitting at the long oak table. As I greeted them they seemed worried. I knew I looked a mess, not having washed for four or five days; my ear was stuffed with gauze and the whole side of my face was painted with menthiolate. And my raggedy clothes didn't improve my appearance. However, the lawyers saw no legal recourse to get me out of the hole. Both were surprised over my sudden transfer from the City jail since Judge Montgomery had

promised that I would be kept there, where it was more convenient for the defense to prepare the Federal case. All of a sudden, without a moment's warning, he had "changed his mind." In all my life I have never seen anyone change his mind easier than a judge handling a Sedition or Smith Act case. The one certain aspect of his proceeding is that *he changes it always in favor of the prosecution.*

Powe and Edises told me that they had seen the authorities at Blawnox, who had said that I had been given medical attention, shoes and clothing, and even an "extra blanket." Yes, the lawyers had answered, but I had to lie on the concrete floor and at night I was given a board, wasn't that it? "Yes," they said, "but no one ever got that before . . . this is breaking the whole regime." "Then gentlemen, what is this whole campaign about?" They explained that "all night people have been telephoning."

"Well," asked the attorney, "isn't it true that the man is in the hole, with a fever and an infected ear. Isn't that true?"

"Oh, there is nothing wrong with him."

"Is that what the doctor said?"

"The doctor took care of him just a while ago," they explained.

"What did the doctor do with him?"

"He gave him a penicillin shot."

"Did he get that shot because there is nothing wrong with him? . . . What is the name of the doctor? . . . Can we see him?"

"Oh, no sir, no one not connected with the institution can go beyond this bench where you speak to your clients."

I listened to the lawyers' report and then told them how things really were: that there was no chance to rest or sleep and that all I got to eat was bread and water, and a bowl of soup. This "soup" was a new addition to the inmates' diet in the hole. Apparently the officials were smarting under recent exposures and perhaps worried about a possible investigation. This was a distinct possibility since the Republicans were angling to get the Democrats out of Blawnox's administration, which would have meant over a hundred jobs for their friends. The fact that the Republican sheriff, then in office by a temporary appointment, was to be opposed by the head jobholder at Blawnox, made for constant talk about "investigations." Even the oldest inmates, who were hardened to such talk, began to believe it. So canned peas were added to boiling

water and served hot for "dinner" in the hole!

The guard, who stood near enough the table to hear everything I said, became more and more impatient as he heard my description. I made no effort to "tone it down"; rather, I spoke louder than usual. I was conscious of the fact that prisoners who passed by "overheard" our conferences.

The attorneys protested the guard's sticking by so closely as interference with my constitutional rights, etc. But he replied, "These are my orders. . . ." Wino and the General, from the office, and "Queenie" from the cage had their eyes on us also. Soon the two came towards us. The General was fuming: "Yes, the guard is going to stay right here and you can take it or leave it."

The attorneys planned to protest to the courts about the impossibility of discussing trial preparations with the prosecution's guards listening. However, neither they nor I had much hope of getting anywhere with Montgomery or some of his friends.

When we saw the crew going by with the hot water and canned-pea soup, the guard said to me, "You want your dinner?" And the lawyers locked their briefcases and said goodbye. I was in pain and cold to the bones, worn out from lack of sleep and hunger. When the guard led me down into the hole, I almost ran to get into my cell for the three slices of bread and the famous "soup." I gulped it down fast, even though it was the strangest soup I ever ate. Still, it was hot and the peas and bread were filling. Soon I lay down on the floor and fell asleep.

The next five days and six nights I spent in the hole were very much the same. Each morning I was given a shot which really must have been penicillin, since the pain and the infection subsided as the days passed. I was participating in the quiz games again, and carrying on discussions. The liveliest of these developed on the subject of the prison. No matter how unaggressive or backward some inmates were, they all had an opinion on the "place" or the "joint" or the "Works." It seems that the hole was the only place in the jail where we could talk without interference from a guard or fear of stools. Here jam sessions went on, pro and con: what was wrong with this jail, what was wrong with "*penal institutions in general*" (a term used by all prisoners). The other men referred to facts totally new to me, dealing with prison investigations, prison-reform proposals by legislative bodies, and penal reforms through-

out the country. All agreed that the "Works" was one of the most "medieval" and "sadistic" in the land. Cases of beatings were mentioned, as well as every form of corruption, stealing, and racism of all kinds.

But when it came to the subject of what to do, there were many opinions—some foolish, some fantastic, some dangerous. I had never faced these problems personally, and had no ready answers. I let the discussions go on and asked questions, always trying to show the dangers in what I thought was a wrong course of action, but I didn't put forward my own ideas such as they were at that time.

I wondered how many of the "riot" advocates were innocently misled, and how many were stools. The suspicion was not original. Many men, too many, thought that "everybody was a stool," and "you couldn't trust anyone." This kind of defeatism was the thing that bred "*violence*" and "*riots*" and "*escape*" and "*burning down the place*" advocates. Constant warnings were heard—"Be careful, you know the guards will know what you are saying before tomorrow"—yet they went on talking. They discussed how best to scale the walls, where to get ropes, ladders, etc.

Men were amazed that I showed no interest in these plans. I was the only person in the hole at that time who had a twenty-year sentence. They couldn't understand why I did not want "to try to get out," no matter what the risk.

To ease my own worry about stools, as soon as there was a lull I asked who were the newest inmates in the hole, why they were in, and how many times they had been in before. Somehow one could tell in no time, even without seeing a man, if his story sounded right.

Listening to the talk, asking questions, I learned a lot fast. I also had a lot to say, and for the first time, a chance to say it. I tested many ideas on men in the hole. Often I found a weakness in my preconceived notions of prison life and its problems. Inmates were quick to criticize an opinion. But on the whole they agreed that the only hope of survival was through a fight to expose and change both the methods and the personnel of Blawnox.

Here I heard that men were circulating a petition in all wings and shops that raised most of the demands discussed in the jail three months earlier. It was being signed with an "X," and only a

few men had refused to sign it so far.

Before we had the peas and hot water on my last day in the hole—for this trip—a new fellow was brought in. He was told to strip in the usual fashion but after his clothes were searched, he was given them back and told to “dress” before going into the cell. This was something new! It became the main topic of conversation that day. Later the crew came in and took all of the grimy clothes that hadn’t been washed for years, and burned them in the yard ovens! They washed the floor in the corridor and spread carbolic acid in the corners. Soon rags, more or less clean looking, were brought in and each man received one to use as a towel after a cold water wash-up following breakfast.

While these changes were sensational, most of the men insisted they were only temporary, and made simply to appease me because I had a lot of friends who had protested against such mistreatment. I pointed out that if we continued to fight properly we could win even more improvements. If the people knew the terrible things going on and the sadistic treatment that was making big criminals out of little ones, they would certainly support a change. And I added that the only reason we had gotten this much was that the administration feared an exposure. True, I didn’t convince many; it was plain that they thought no real changes were possible at Blawnox.

Time came for me to leave by my calculations, so when Beer Belly came in I asked: “When am I getting out of here? My nine days in the hole are up!”

“You’ll be out, you’ll get out as soon as I can get to it,” he answered impatiently. Then: “Okay. Get your stuff ready and let’s go”—as if he had finally managed to find time—and I followed him out, bidding the men goodbye. They were glad to see me go—it was the hope of all inmates in the hole that a man wouldn’t be there, not any longer than he could help it, even if one hated him. In the last days of my stay we strengthened this philosophic concept by an agreement that the day one was to leave the hole, he wouldn’t eat his three slices of bread; he would leave them to be divided by the rest. Mine was divided, but no one ate it till I was sure to go. As I left the hole, I saw the fellow who had a piece swallow it just as I said “Goodbye.”

I was led to the shower room where the crew from the boiler

shop was washing up. Beer Belly was bawling out a Negro prisoner who was washing himself with a rag.

"Where did you get that rag?"

"I got it in the rug shop. It's just a little bit of rag, sir."

"I don't care how small it is, it's against the rule. What's your name anyway? I'll teach you a lesson—nine days in the hole will teach you!"

The man pleaded that he didn't know the rules, he had just come to the jail that week. But no amount of pleading would help him, we all knew. I looked at the youngster and thought that he would probably get my cell in the hole—and for what? All the men looked with grave faces and burning eyes. When was this kind of stuff going to end? Many of them were looking at me. One tall fellow with corn yellow locks of hair edged over to me and shook my sleeve. "She's ready to blow—she'll blow any minute. You'll hear all about it."

"Yeah—what's going on?" I asked.

"Oh, she's ready to blow," he said, rolling his eyes as he did. "All the guys are signing the petition and we got to do something."

"What are you going to do?"

"Saturday night we aren't eating the beans."

15. *Something Else But Beans*

It was near dinner time when I came out of the hole. The menus never changed so I knew what to expect—noodles with water, thinned with tomato juice to make a "sauce." Even before I sat down I was eating the bread, which I had grabbed as the tray was passed in front of me. Hurriedly pouring some salt over the noodles, I swallowed them almost without chewing and without thinking of the effect they might have on me later.

The fellows near me asked, "Do you want my stuff?" I took some food from Nick the Boxer, and thanked the rest of them. Nick spoke very little in the mess hall. He knew that the guards, especially Hollywood and Big Shot, were looking for a chance to

cut him up some more and throw him into the hole. They hadn't forgotten the way the Boxer had fixed them. Besides, they hated him because he always sat near me.

Nick did manage to ask, "Did you hear the stuff about a plan not to eat the beans?"

"Yes, I heard about it. It's Saturday, isn't it?"

"I hear it's this Saturday although it may be next Saturday. I'm not sure."

"What will they do?" I asked impatiently. I was afraid that the men's anger would lead to a riot. My boiler-room acquaintance on the right assured me that there would be nothing like that. The men, as far as he could find out, had simply "all agreed to refuse to eat the slop."

"Is it true you are now allowed to keep your clothes and shoes in the hole?" a fellow from the rag shop asked.

"Yes, you are. At least all of us had our own clothes and shoes when I left the place."

"I told you." He turned to another man standing near him.

"How did you find that out already?"

"Good news travels fast in this place. Only, good things don't happen often enough."

"I hear they used carbolic acid to pretty up the stink in the white house (the hole)."

"Yes, they used it."

"I hear there's going to be an investigation but I don't believe it. Every time the men raise hell, they promise an investigation. I hate that word," the man from the rag shop snapped, loudly enough for even Beer Belly to hear.

On my way to my cell, I tried to walk fast to get there before the doors shot closed. You had to run to make it. But I couldn't run—I had suffered a broken leg twice within two years. As I reached the cell next to mine, the doors slammed shut. Two other inmates and I got locked out. I looked back and swore at the guard who had deliberately thrown the switch a second too soon just to be nasty.

You were not permitted to move away from your cell door. There I sat looking up and down the long cell block, hoping that the doors would have to be opened. I wondered at this strange eagerness to get into the cell: was I getting used to what the pro-fascist

Musmanno wanted to make my "home" forever? I knew that wasn't it. Then what? I shook my head, looked into the cell; there were the box of papers and letters I had brought from the County jail. Suddenly I wanted to read them again. Those letters were from friends and from Margaret and Josie and Bobbie—but I couldn't reach them through the bars.

A guard was coming to take the count, but I turned my head away as he approached. There was no use asking him for a "favor"—which is what he would have considered it. Another inmate was asking Buck to let him in. If he opened the door for one, we would all get in; if not, I would sit out on the concrete, for the next hour and thirty minutes. It wouldn't be the first time.

The mail man handed me a pile of newspapers, letters and telegrams. After a first quick glance to see what was new in the world, I read them over more carefully.

Here is one from Margaret:

Dearest Steve,

This is a letter from the three of us to you. This morning Bobby saw me writing a letter and thought it was for you, and said, "Mommie, put something in for me." Josie came along and saw me writing and said, "You writing to Daddy? Say something for me too." So this is a combination of three-in-one.

First, the kids are all right. Bobby has gotten himself a thirty-five-cent pop-pop boat which he runs all day by a candle which makes steam and makes the boat run around in the bathtub going put-put. He finds that very exciting. Of course, he could set the house on fire with the matches he has to use lighting the candle to supply the power, but toy makers don't take that into consideration. Kids also now have airplanes that drop marbles in the form of bombs on warships that blow up and can be put together again. Bobby hasn't gotten around to anything like that yet. Your passive rockers that are being made are not for modern-day design and must be running into a restricted market. Competition is very keen.

Today Josie brought home from school a lamp she had made. It is partly woven and is pretty nice, made out of a couple of boards, and I would say it is quite an accomplishment. Maybe we will open up a lamp shop and sell Josie's originals. With the furniture we should be able to pick up from you, and Josie's handi-

work, we should be able to build up a substantial business. I am sure some of the local aspiring politicians wouldn't mind having your handiwork around.

The day is one of those in which the air is polluted. I noticed it when I got up and have felt it all day. The air is very bad, and we need a change, either colder weather or a good rain. All the old smell and poisons from the mills are hanging in the air today.

I have taken it upon myself to write to some friends on the West Coast about your fiftieth birthday, with the idea of getting some messages stirred up and a little action, also maybe some money for the defense. If you have any suggestions on this, I will try to follow through on it. I have a selfish motive. I would like you to get a bunch of mail and I would like to remind people that you are still in jail, and there is no bail.

Several letters have come from abroad which I am enclosing. One is from a young man who seems to have had two brothers killed in Spain.

Well, now that you are at Blawnox I suppose you will miss the basket of food I used to bring to the City jail. There was something about bringing that basket in that always made me feel that it was just another way of making me feel degraded. At best I never looked forward to it; I guess I still remember the days of the women taking lunch pails to the mills at noon for their men working there, and the feeling we always had that this was just another way for the bosses to rub it in that they were the masters. Maybe that's why I always found it so heavy. It isn't that I begrudge it, but the feeling that food is something everybody is entitled to, and then to get it in this manner, bothers me.

Last night the kids made a ghost house and made me go through it. They hung strings all over the room, and tried to scare me. They had a good laugh and said I hollered too much and they had to push me around. They made me bump my leg, but they enjoyed it.

I ran into a situation of complete resignation to the inevitability of fascism. This came from a so-called expert on Dreiser whose own works are rather defeatist from what I know of them. This individual was pretty well known here and gets around with his ulcer, for which he blames his former ideas, and says if he resigns himself he will do himself good and he can't do you any good

anyhow. It is a completely negative approach. . . . On the other hand, some workers have gone out of their way to come to see me to find out how I am doing even though they have taken the risk of losing their jobs in doing so. Knowing that, they still went out of their way to come to see me. Some took to writing, to let me know they were with us.

I sent you in a small chess set, but I suppose you never got it. The kids wanted you to have it. I don't suppose you can do much with it, but they want you to have something and thought this would at least make you laugh. They constantly ask for you. They are going to get some color pictures to send to you.

Love and kisses from the three of us,

Margaret

P.S.: Please don't thank me for visiting you. It makes me think you are unconsciously adjusting to the life there. I don't know if you realize it, but last time when I left you said thanks for coming and that you enjoyed the visit. It sounded very formal, as if you really didn't think people would visit you. That is the least that can be done.

At another time Bobby had written me:

Dear Daddy,

Mommie got a letter from you today and you asked about the train. The train is alright except for a gimmick which (Josie spelling) broke off of the tender. Otherwise everything is alright. Junior and Wacky are doing fine. Wacky is eating almost ten cents a day, Junior is eating the same amount of food every day, both together they eat a can and a half of food a day. Mommie and Josie and I are fine.

Yours,

Bobby

And from Josie:

Dear Daddy,

I am happy to hear that you liked the letter and the things that were in it. Was the letter in good condition when you got it?

I am the Master of Ceremony for a school play. Don't tell anyone. *I didn't tell Mommie.*

Are you still shelling beans? How are the chairs doing? Is that old stinker still there?

Jim was sick. So was Bobbie. Mommie's eye was red, a blood vessel broke. Bobby is better and Jim is fine. Lynn is getting a tooth. Johnny is getting very big. Evie has a cold. I hope you like this letter.

X X X X X X,
Josie

In the mail with the letter from Margaret were some from veterans of the International Brigade in Spain. One from Italy:

Dear Steve:

This is to let you know you are still remembered by an old *Camarada* of Spain. On every occasion I try to explain your case to everyone in this land. This case was my case—I was deported from the United States and I left in Brooklyn two kids, one of fourteen months and a girl of twelve years. I don't know whether I will ever see them again. Your case and mine are part of the struggle for democracy.

Be strong, Steve!—and never forget you are not alone, we are all back of you.

Give my best to Margaret, to friends inside with you and outside waiting for you. Good luck, and forward with democracy for the people.

Sincerely,
Pete R.

And from Italy, also, came good wishes from Ambrogio Donini, Communist member of the Italian Senate:

Dear Comrade Nelson,

. . . We wish you and all the comrades success in your fight against the terrible Sedition trials and twenty-year sentences and the infamous Smith Act. This is also the personal wish of Comrade Longo, with whom we speak often of you and of all American patriots who are waging such a gallant battle against McCarthyism and imperialism.

News about the persecutions has aroused widespread indignation in our country and in all of Europe. It is really a conspiracy

against decency and humanity, and we are going to let official representatives of the USA over here hear the voice of people's solidarity all over Italy!

Please remember me to all our common friends. With warmest greetings and best wishes, to you and your wife.

Yours,

Ambrogio Donini

Other veterans of the battles in Spain often wrote me—from Canada, Australia, England, South America, from various points in the United States—and their reminiscences of that struggle in which I had shared, their pledges of support, and warm expressions of affection were wonderfully heartening. Luigi Longo, whom I knew well in Spain—a leader of the Communist Party in Italy—Will Gallacher, writing from Scotland, and Harry Pollitt, secretary of the Communist Party of Great Britain, could make me forget prison bars for a while. Then there were the letters from various parts of this country, from hard and soft coal miners, Philadelphia Quakers, friends in California, Illinois, and New York, people in the garment industry like Esther. . . . Although she herself was on trial, Elizabeth Gurley Flynn found time to write me often. I had letters from Bob Minor until the time of his death, and then his wife, Lydia, wrote me:

Dear Steve,

Bob died last night almost with your name on his lips. He was taking oxygen and was under demarol to keep him from tossing around, and only when a dose was wearing off could we exchange a few words. He was laboring to breathe and would open his eyes very wide and smile at me. He said, just a few hours before he went: "You must write Steve." I said that I wrote you and would write again. He said, "I'll tell you tomorrow what to say"—and drifted off again. The nurse said that later he muttered over and over, "Must write—must write—."

He had a very bad coronary attack, complicated by a clot in the lung. . . . Even if this had been the first coronary attack, the combination is impossible to cure. It was short and, compared to other deaths, easy. I was with him at that moment.

What we shall all do without him is a mystery. I am all right

now, *I am still numb*, and our friends and neighbors are like a big family. But what comes next?

This is the first letter—the only one for a day or two, except one to your Margaret. I have written because Bob died saying, “Write to Steve.”

“He laid down his life for his friends.”

He loved you very much, Steve.

Margaret: he loved your kids; give them his love, and talk about him.

Love and remembrance,
Lydia

Letters from friends too are like a two-way street. They can be a strength and joy, and they can be harder than imprisonment itself.

Lydia's wire and letter about the death of my dear friend, Bob, was a shock hard to bear. Bob was not only a friend, and a man possessed of great human knowledge, but was a storehouse of experience with frameups in America. He had a mind remarkably equipped to unravel legal frameups. To me it was a painful personal loss. He not only knew how to interpret legal gimmicks and to take full advantage of every legal loophole, but he also knew and cautioned that legalism was not enough in these struggles, that public support was most important.

Because of his vast experience in the cases of Tom Mooney, Moyer and Pettibone, Bill Haywood, Sacco and Vanzetti, and the Scottsboro Boys, and because of his deep knowledge of American history and its democratic traditions, he was able to look into the future with confidence.

More than once he wrote me or told my friends about the Pittsburgh Sedition cases, “If that fellow Musmanno carries his dirty fascist pitcher to the well often enough, it will break as sure as day follows night, and we are bound to win.”

In the chair shop, things looked about the same as they had been three months ago. Even the men were the same, except for two new ones; one of these occupied my old work spot.

Old Skeleton sat on his high perch twirling his home-made cane which had a big steel knob the size of an egg. The knob made a

metallic sound on the concrete floor as the old man dragged it along. His scrawny hand wouldn't have been complete without that cane. The guard too sat scanning the place the way lifeguards do at the beach, his gloomy eyes staring out of the triple-chinned face.

When I came into the shop, the runner gave the guard a slip of paper with my name and number. Big Shot looked at me, then pointing to a spot a few feet from him, said, "There." I looked back at him, puzzled, because the spot he had indicated was wet from a leak in the old, cracked concrete roof, the seepage forming a pool of water.

"It's wet there," I said.

"You work there!" Big Shot yelled.

I didn't know what to do. My ear wasn't well yet, and I had had only one "meal" since I came out of the hole. Yet if I refused to work there, he'd put me in the hole again. I walked about the place pretending I was gathering my tools and materials, to give myself a chance to think. If I took this from him, it was going to be bad. If I went to the hole, it would be even worse. I decided that if I had to go back, I'd go for a better reason than this. Getting some sawdust, I threw it in the puddle of water, swept it up, then threw some more around the post where the water trickled from the thawing snow on the roof.

Big Shot eyed me closely. I knew it but never once did I look at him. Just at this moment, the General came in with some men who I felt sure were state prison inspectors or some of fascist Mussomanno's friends who had come to eye me. As they watched me from a distance, I walked over to the General and said, "Look at that spot he put me to work in." I pointed at the wet place. "I demand that I be treated no worse than other prisoners—that's bad enough."

The General was surprised, or pretended he was. He said, as he looked at one of the men with him, "Oh, well, there are other spots where you can work."

"But," I said, "he put me there over my protest. Now he'll wait for a chance to frame me again."

"You can work over there." He pointed to another empty spot, then walked over to Big Shot and said, "That's okay. You've done a good job here. Just don't worry."

The following days were tense. Men were being searched at

every turn, and many were thrown into the hole. One young Negro inmate who was due to leave on parole in just two days was thrown into the hole on the charge of being "Nelson's stooge." This man, one of the most popular of the prisoners, played in the band and on the jail ball team. He had spent three years at the Workhouse and had three more to go. The administration threw him in so that he would lose the three-year parole he had obtained—he was to go home the very next Monday, this being Saturday. They hoped he would blame it on me. They falsely accused me of "using" the Negroes just to cause them trouble.

Several men from the other shops were framed in the same way. Some were supposed to have been "circulating the petition that Nelson wrote," though I hadn't even been here in September, since I was in the Iron City jail then. It was plain that I was to be put back into the hole anytime, so I decided to prepare as best as I could. First I got word to my lawyers about what was shaping up and asked them to warn my friends that if they didn't hear from me soon, they would know I was in the hole. I continued to watch my step. My cell was searched every day. They searched me too, on my way to and from the shop. Big Shot hid in the steam room and kept his snake eye on me through a hole which had been drilled for him at night. I worked on the chairs absent-mindedly, weaving automatically, often forgetting what I was doing. But I didn't walk away from my spot.

Margaret, Josie, and Bobby came to visit me that day. I hadn't seen the children since June 26th, in the Federal Court during the preliminaries of the Smith Act trial. That last time, Bobby had run towards me as I stepped out of the elevator in the Federal Court building but I couldn't pick him up or hug him because my hands were cuffed to the iron-and-leather belt on each side. Margaret saw Bobby's predicament and said to a deputy, "You are like a bunch of storm-troopers." They took the cuffs off just before the photographers got ready to snap pictures.

At the Workhouse it was hard to see visitors through the thick screen. Bobby had brought some gourds that grew in the yard that summer and Josie was trying to show me some Indian corn we had planted in the spring, but it was impossible to see. The General himself stood in the cage watching us. I said to him, "Look at the way men have to see their families—through this," and pointed to

the screen, two layers of mesh four feet apart, which gave prisoners and visitors no chance to sit down and talk privately.

The General said, "It's always been this way and it's going to be this way."

Margaret motioned to me to quiet down because I was really blowing my top. I was furious—one monthly visit of thirty minutes, and it was so cruelly arranged! In no time the thirty minutes were up and we said goodbye: Josie holding herself firm as she walked out with Margaret, and Bobby wiping his eyes—I swallowed hard to keep from doing the same.

With every day, the tension increased. Two riots broke out in the neighboring prisons, one at Bellefonte and the other at Woods Run, Pennsylvania. There was talk of a riot here. As I was going to "supper" on Friday night, the General made me step out of the chow line and said, "Hey, Nelson, I just want you to know we're going to have beans for supper tomorrow night." He was green with anger, though he wore a forced grin. At least 100 men passing the circle where he had stopped me looked on in surprise and wonder. I answered calmly but loudly, "What? You say we're having beans for supper Saturday? That's nothing new. It would be news if we had something edible for a change."

The chow line seemed to stop. Dumbfounded, the General could only repeat himself: "We're going to have beans for supper tomorrow night."

The whole prison heard about the incident in no time. Word went around that no one was going to eat the beans. It was rumored that the "plates will fly through the skylight over the mess hall."

It worried me, and I opposed this type of action wherever I could. The General was agitated. As we went for breakfast he stood on the same spot and made me step out of line again, saying, "Nelson, I hear that plates are going to fly at supper time."

"If they fly, it will be your own stooges who will be throwing them. Why tell me about it, anyway?"

"Oh, I just want you to know that I know your plans, that's all, and if there's trouble—"

"If there's trouble it's your baby, not mine."

This being Saturday, supper time came at 3:30. I wondered what to do. I had thought about passing up the meal altogether, but decided that that would be wrong.

The General changed the eating lineup; we were locked into our cells first and then marched out for supper. When we came out I found that for the first time the chair shop had been placed at the head of the line instead of last. The line was split by the General, who knew mathematically just where a man would land. I sat in the front row on the right side of the mess hall. As I passed the crew dishing out the beans, all of the men watched me. It was obvious they knew something I didn't although it revolved around me. The fellow who handed me the mess of beans scooped around the bottom of the vat and came up with some solid objects in the beans—meat! I brought the plate up to my eyes, rubbing them, and looked again: *meat in the beans!*

The staff and an extra complement of guards were on hand. The General took his usual position, his little beetle eyes glued on me. Wino and the favored guards—Queenie, Big Shot, Hollywood, Beer Belly, Stazy—leaned against the wall and eyed the hungry men.

I sat down at the mess table—I could feel cold eyes watching me. The word passed around, "Don't eat the beans." I wondered what would happen now—this was the first time the men had seen pork in the beans. What would they do? But what should I do? That came first, since the others were just coming to get their food.

I reached for the bread. Then daintily, with my fingers, I picked out a piece of meat about a half-inch square, shook off the beans, put it in my mouth and chewed it. I sat back and drank some of the dark brew they called "buck juice"—tea. After that I picked out the other pieces of meat. Shoving the plate to the side, I leaned back and ate some bread and drank the tea without touching the beans. By this time, the mess hall was filled. All doors leading to and from the hall were locked. This had never happened before. I looked around and saw that most of the men were doing what I did—eating the meat. Some ate a little of the beans and filled up on bread.

The General, the Chief, and Wino went up and down the aisle. When they came to where I was sitting, they asked the guard loudly enough for all nearby to hear, "What did he do?"

"He ate the meat and bread and drank the tea," answered the guard, who hated all three of them and always referred to them as the Three Zeroes.

"Didn't he say something to the man over across the aisle?"

"No, he finished eating and sat there just like now, his arms folded."

"Didn't you notice him looking back there?" (To look back was against the rule).

"No, he didn't, sir."

I could see that the Chief was sore. Since he was rarely around he didn't know all of the guards, and had questioned the wrong one. This guard didn't last long on the job—he was gone before the month was up.

The garbage detail came in with their barrels and hauled out the beans minus the sixty pounds of pork they had thrown into the pots that day. The men had managed to eat the "bait" without falling into the trap.

Two days later I was thrown into the hole again. It was full of men. After the fifth day the Zero operators moved six of us onto the shelf. We were charged with being responsible for the trouble, and that my five companions were Communist dupes. Next to my cell I found the young Negro who was to have gone home on parole. I wondered how he would take this blow. For a few days he kept to himself and didn't talk. We couldn't see each other. We were each locked in individual cells twenty-four hours a day, and were separated from the rest of the prisoners although we could hear them through the bars.

The day I landed on the shelf, there was a strange demonstration which I didn't know the meaning of right away. Just as the men were locked in for the night, every cell door in the place began to rattle. The noise was terrific, like that of a train wreck. Most of us thought that it came from the Pennsylvania Railroad, which passed between the Workhouse and the Allegheny River a few hundred yards away.

Soon someone yelled from below, "How is that, boys? You on the shelf, we ain't forgotten you, have we?" Only now did I realize that the noise had political meaning. The doors shook again. The guard yelled, "You bastards, we'll turn the fire hose on you." The doors shook even louder. Then the guard kept quiet—he knew better than to threaten the aroused men.

The next day, at 3 o'clock, fire bells were heard and the fire whistle blew in the jail yard.

"What's on fire?"

"The rag shop."

"The chair shop."

"No, it can't be the rag or chair shop, it must be the broom shop."

More fire engines were heard.

16. *Interview on the Shelf*

As I was straining my ears to hear what the noise was about, an inmate several floors below yelled, "The broom shop is on fire. Four fire companies are out there trying to put it out. Looks as if it's going to get completely out of control."

"Is that right?" someone asked excitedly.

"Let the damn place burn," added an unknown voice from below.

"Hope it burns down to the ground."

I didn't like it. I told the men near me on the shelf that some innocent fellows would be blamed even if the officials had started the fire. They agreed, but they didn't care: *this* would teach the bunch running the place a real lesson!

Again, someone shouted from below: "Hey, Nelson! The evening paper has a story that the warden said you started the fire." He laughed—so did the men on the shelf. They thought that was a good joke.

Before long, the fire engines were heard pulling out of the prison yard, and we assumed the fire was out. All the prisoners were locked in their cells. Extra guards were put on duty armed with nightsticks and gas bombs. The place was an armed camp.

That night the inmates were fed their "dinner" later than usual, at 4:30 instead of the usual 3:45. The man who brought mine had a newspaper clipping sandwiched between the slices of bread. While handing me the tin plate he whispered, "Look at the paper." The clipping was of a story that I was behind all the trouble in the Workhouse, and that today's fire would very likely be connected with me.

As I gulped the tasteless meal down and was about to kick my

tin plate out under the cell door, Stazie, the old guard, appeared on the shelf range. Soon it became clear why. He had about ten newspaper photographers and reporters with him, many of whom I recognized as they came up to my cell door. Some greeted me with a cold "Hello, Steve"; others just gave me a frigid stare. I could read fear in the eyes of some of them; a few were clearly hostile. But why were the newspaper men permitted to visit the Shelf? This was an unusual concession from the prison authorities. One thing I knew: they were up to no good as far as I was concerned.

I took the offensive. Before any of the newsmen spoke to me, I said, "To what should I attribute this unusual visit, gentlemen? Is this the opening gun for the warden's election campaign for sheriff? I see Musmanno and Montgomery taught him how to get elected to public office these days."

Surprised, the newsmen said nothing at first. They looked to the guard, who gave me a cold look but didn't open his mouth. Finally a reporter asked, "What is this about someone running for sheriff?"

"Well," I answered, "it's a well-known secret that the warden was promised the Democratic nomination for sheriff."

The newspapermen soon realized that this was not the story their bosses had sent them to get. They had better do their assignment. . . .

"Nelson, what do you know about the fire?"

"You better ask the Chief, the would-be candidate for sheriff. He'll tell you about that. Ask him." I added, "The Chief had me put in the hole, where one is *not allowed to keep matches!*" I paused, then went on, "He messed it all up. If he hadn't hurried to put me in the hole, maybe his plan to frame me would have worked."

The reporters stopped taking notes.

The photographers did not take pictures.

Stazie and the gentlemen of the press walked away.

This fire had threatened to become the ugliest kind of frameup. If any lives were lost and if the authorities could have pinned it on me, then Musmanno and his friends undoubtedly would have demanded the death sentence. They could not stand my being alive, even though I was in their clutches. But this time their trap had failed to slam shut.

When night came, the inmates shook the bars again and again. Guards were patrolling the prison, arbitrarily taking men out of their cells and putting them in the hole. But the men continued demonstrating against the mistreatment. Some, however, became despondent, lost hope, and "cooperated"—stooped.

We waited for news from the other prisons. Our "reports" came either through the grapevine or newcomers, inmates of the shelf. The two men who landed on the shelf late that evening told us the terrible story of what had happened to little Missouri.

Two days before, little Missouri had left the hole—his bread and water treatment for the fourth time in his five months in jail. After the first meal he was on his way to work in the broom shop. He seemed depressed, following the man in front in an aimless sort of way. As he stepped out into the yard, he took a breath of fresh air for the first time in nine days, then looked at the men about him with his dreamy brown eyes set deep in his square, freckled face. Having no cigarettes of his own, he asked the man in front of him for a puff. At this very moment Hollywood stuck his head from the guard house. "Hey, you!"—he pointed at Missouri—"Do you want me to throw you in the hole again, — — you?"

Without answering, Missouri continued to walk toward the broom shop.

"Hey, can't you hear me when I talk to you?" Hollywood demanded.

Then Missouri stopped and looked at Hollywood, who motioned him to come back to the guard house. The kid knew he was in trouble but said nothing; just stared at Hollywood as if he was off in the distance. Hollywood ordered him back to his cell.

As Missouri obeyed, his tears came in a flood. All the time the cold-blooded guard kept up a foul line of swearing and insults. . . . "We'll teach you a lesson, you dumb SOB; this is just the place for your kind. You'll get an education before we're through with you." He pushed the kid into the cell in the old North block and slammed the door.

"You'll stay here till I find out if there is an empty cell in the hole," he shouted.

At meal time Missouri came to the mess hall before the regular guys and ate his meal without speaking to anyone. He walked back to his cell, to be locked in again for the night.

Night came. Little Missouri sat in his cell and spoke to no one. He didn't even ask for the papers to be passed him, though he usually looked at them, especially the want ad sections. (In only two weeks more he was supposed to be out on the street, and he didn't face the prospect of the "free world" without a job hopefully). Cellmates nearby had trouble getting his attention to "pass" things back and forth.

The guard was making his usual ten o'clock round for the count, when he approached Missouri's cell and stopped, yelling to the guard at the end of the cell block, "Open the doors, man hanged himself." The whole jail became alive. "Who hanged himself?" everyone asked. The men who had fallen asleep woke up. Someone shouted, "It's young Missouri!" The news spread throughout the jail, and doors began to shake. Two guards ran toward Missouri's cell with a stretcher. The guard who discovered the hanging had cut the belt before the doors opened and the kid crashed down on the concrete floor. While the guard released the choking grip of the belt on Missouri's neck, the whole prison shook as never before. The night chief half-heartedly ordered that respiratory efforts be made to save the kid's life. One of the guards listened to Missouri's heart and said, "His beat is about 60."

"Bring the oxygen," someone suggested.

"No," said the night chief, "take him away from here."

One guard ventured to say, "He'll die before we get him across the yard. I'll keep him alive while someone gets the oxygen."

"Nah—I don't want him here," snapped the night chief. "These guys won't stop the noise unless he's out of the way."

By the time they got the kid to the "hospital," his pulse was down so low that they couldn't revive him.

He was dead.

Before the night shift was over, the chief who had beaten the kid up while he was in the hole until he bled from the nose and mouth, sat down to eat his daily half-pound beefsteak and went home to sleep.

The autopsy said, "Death by self-strangulation." The inhuman treatment Missouri had gotten in this place was never mentioned.

Despite these tragedies, and the sadistic attacks by the administration, the struggle continued. In the midst of it, however, I was again transferred to the Iron City jail.

I picked up my belongings to go. I had a large box full of cards and letters and telegrams, which according to the rules had to be checked by the guards. This would have taken a long time. The General said to the guard, "Let it go. Don't bother reading it." His face mottled with anger, he said to me, "I hope you never come back here again." I couldn't stop laughing as I said, "I hope I never see this stinking place again, nor you and your crew."

The deputies handcuffed me as usual to the contraption around my midriff. I was observing the early winter scene along the Allegheny River and the surrounding hills. As we crossed the river, I noticed a strange change at the US Steel, Isabella, furnaces at Etna. The thirty-odd smokestacks were as dead as tombstones. One of the oldest mills manufacturing armored steel in the USA was shut down for good. When US Steel opened its new \$400 million mill in Bucks County near Philadelphia, it no longer needed the old ones at Etna. The company built the plant at government expense; they had the government write off the \$400 million tax bill.

What had happened to the workers who spent their lives laboring in this mill? Where would they move to now? I looked at their homes in the lower part of town and the ones situated on the edges of the steep rocky hillsides. Those homes were bought with lifetime savings. They weren't worth much—they weren't much more than shacks—and some still had outhouses and no baths. Still, they were "homes." Who would buy them now that Etna had become a ghost town?

While these thoughts ran through my mind, we crossed the Allegheny River and sped through the East End-Bloomfield part of Pittsburgh, along the Pennsylvania Railroad tracks, and the towers of the Iron City jail came into view.

The description of my experiences at Blawnox would be incomplete without the story of how I got there.

That is what follows—the story of the second sedition trial—much of it quoted from the actual trial record.

17. *"Bring Him to Court Dead or Alive"*

The hour was midnight in late May. I was driving to Philadelphia from Pittsburgh, after the end of a court day, to speak at a meeting arranged by friends to raise funds for the first Sedition trial, in which Onda, Dolsen, and I had been framed. As it was a weekend, my children decided to drive to Philadelphia with me. We hadn't had much time together, and the ride would be a change for them as well as a break for me.

Approaching the city, I stopped to call a friend and then we started on the last lap. A crash occurred—my head spun, splattered with blood. I reached to the right where Bobby sat. He was silent. I felt his chest and found he was breathing. I was pinned behind the steering wheel and had a bad pain in my chest, head, legs, and arm. When I tried to move my leg I couldn't control it. Then I heard Josephine's voice.

"Josie? Are you all right?" I demanded.

"I'm all right. I just got scared when I fell off the seat. How are you and Bobby?"

"He is knocked out. I don't know how badly he's hurt, but I broke my right leg in the same place as last time."

"Oh, no! Not again in the same place?" She added quickly, "You are bloody all over your face! Your shirt is full of blood."

"Josie, see how Bobby is. . . ."

That is the last thing I remember having said in the car. When I woke up in the hospital the internes were preparing me for surgery, and Josie stood at the end of the room watching me. She told me that Bobby had a severe bruise on the face and head, but seemed okay otherwise.

I didn't know all my troubles then, but I was disgusted with myself because I had broken my right leg just above the ankle where it had been broken a year before, a compound fracture again. I wasn't aware that this time I had managed to break my knee also.

Josie informed me that she had called her mother in Pittsburgh at 1 a.m. and told her the bad news, and had also phoned our friend Harold in Philadelphia, who would come soon to take her to his home.

When the surgeon arrived I was moved into the operating room,

a too familiar place for me. The doctor made the incision in my leg and took out the bent steel plate which had held the bones in place from the earlier accident. "We won't need a plate this time," he said to the interne. As he started to prop up the lower part of the leg to put on the cast, he saw the swelling on my knee and said, "What's this?" X-rays showed a broken knee-cap. I was really worried then. This knee had remained rather stiff from having been in the cast for about four months before—in fact, it gave me more trouble than the part of the leg that was actually broken. Now it would have to be tied up again for months. . . .

"Can't you operate on it now?" I asked the doctor.

"No, sir! The knee has to be in the cast to permit the lower part of the leg to heal. There's no other way to keep it in place."

They put on the cast, all the way to my crotch. I felt the heat from the plaster of Paris as I was wheeled into the ward room by the nurses.

After a short sleep, I woke to see my lawyer, McTernan, Margaret and several other people at my side. When they asked how I felt I said, "Rough! I can't breathe." Besides the leg and knee break, four of my ribs were broken; my left arm was dislocated; the fingers were numb, and my head was spinning and pounding. They told me that Bobby was hurt but out of danger. Soon the nurse made all visitors leave the room, but they told me before they went that the prosecutor, Lewis, and his assistant, Helwig, were downstairs looking over the records and X-rays and that they had demanded that I be transferred to Pittsburgh right away so the trial could continue on Monday even if I had to lie on a stretcher. Lewis' and Musmanno's insistence on this point was soon explained: they became candidates in the election that fall, Musmanno for the State Supreme Court, Lewis for County Court, and both of them reached their goals by using the sedition trials and their witch hunts as their election program.

After spending June and July in the hospital, I was able to go to my friend's home in Philadelphia to rest and recover. I had to stay in Philadelphia because of a new operation, which was performed by another doctor who used a stader splint (steel pins drilled into the bones, which held the lower part of the leg in place, while the knee was operated on right away so as not to cause

stiffness). This splint required weekly checking. Thus I was unable to return to Pittsburgh despite repeated demands by Lewis, Musmanno, the bloodthirsty members of the ABC and its friends on the newspapers, TV, and radio.

August in a Philadelphia apartment is hot. My friends went to work. Margaret, before going shopping, opened the windows wide, hoping that a little breeze would find its way into the hot rooms. While she was gone, someone knocked on the door. I was stretched out on the bed, the right leg in the steel splint raised high, so I couldn't move quickly. Pulling the sheet over myself, I said, "Come in."

The door opened and who should emerge, with two unknown husky men, but Musmanno. He grinned as he looked around the apartment and, seeing that I was alone, came toward me and had the nerve to ask, "How are you, Steve?"

"What are you doing here? What right have you to come into this house?" I shouted at him—the contemptible bum with black robes who goes around disguised as a human being!

"I came to see how soon you are coming back for trial."

"Get out of here, you dirty rat," I said, and propped myself up, reaching for my crutch.

He ran out of the apartment without looking back. One of the men stayed behind and said, "I am sorry about this."

"What are you sorry about and who are you?"

"I was ordered to come with him. I'm a city detective and I was assigned to go along with him wherever he goes while he's electioneering."

At this moment a storm of cloudburst proportions broke loose. The wind was howling and blew the rain into the rooms. Seeing my helpless condition, the detective asked, "Can I close the windows for you? . . . I was really sorry about this."

It was the shock of my life to see this big Philadelphia flat-foot embarrassed for the judge of the State Supreme Court. The dick was a decent sort.

The next morning the papers reported that the election rally planned for Musmanno the previous evening in South Philadelphia had been rained out. Musmanno's friend, Alesandroni of the American Legion (Musmanno's future candidate for the national

commander), regretted that the judge couldn't make his speech on "Democracy in Danger in Pennsylvania"!

When the primaries were over it developed that, because of the peculiar election rules governing the nomination and election of State high court judges, Musmanno was elected by default, winning by less than eight per cent of the state's vote. This easy victory whetted his appetite for higher political office.

The apartment where I convalesced was located on a busy one-way street where cars were not allowed to park at any time. My friends noticed that three automobiles loaded with several men, all looking alike, parked catty-corner from my host's apartment entrance. There they sat, day and night, watching to see who came to the apartment. The back door was similarly blockaded. My children reported that the men were using telephones in their cars. As I made my weekly trip to the hospital, two cars followed the taxi in which Margaret and I traveled, right to the hospital door. At the hospital, they parked at the front and rear doors. About eight men were scattered at strategic spots and two followed me to the clinic, breathing down my neck as I hobbled along on my crutches.

The children began to tease the Gestapo-FBI men who sat in front of the house attracting a lot of attention to themselves and to the building—hoping that people would be worked up to mob violence. At that time the press was full of gory stories from Korea. The master planners of the surveillance over me hoped to capitalize on the anti-Communist hysteria. They thought that people might at least demand that my host should order me out of the house, or that the landlord would order him out.

Some friends of mine went to talk to the neighbors and to the workers across the street where a large clothing factory was located. They pointed to the bums sitting in the cars—young men, doing nothing all day except molesting the women who passed them and making cracks about them.

This went on for nearly two weeks. The trial of Onda and Dolsen in Pittsburgh (from which I was severed because of the accident) was drawing to a close. While Onda was making his argument to the jury, surveillance was increased at my Philadelphia residence. FBI agents came to the door under various pretenses. My friends knew something was up. The master planners were cooking up a new conspiracy of some sort—but what did they want

from me? I was still on my back, hardly able to move, the four-inch steel pins stuck out from my mangled leg bones. I was already under an indictment for Sedition. What did they want from me?

One morning, two youngish men, rather nervous, came into the apartment while I sat on a high chair, my broken leg propped on a dresser, shaving in the bathroom. Without introduction, one of them pulled out a picture and brought it close to me: "Nelson, do you know this man?" While I looked at the picture, he said, "This man is Jackson; he is a fugitive. If you know his whereabouts, you will be guilty of harboring a fugitive. Do you know where he is?"

"Get out of here, you bums, who do you think I am, one of your kind?" I must have yelled pretty loud. The men retreated from the bathroom door and the apartment but not before they had looked to see if there was someone behind the closet door.

The very same day at 4:45 there was a knock on the door. My friends and Margaret were preparing supper and I was sitting in the bed applying the medicine around the pins in my leg, to keep it from getting infected. Six men crowded into the small apartment holding their hands on their hip pockets, like gangsters in the movies. They looked nervous, though, when Margaret demanded to know by what right they had entered. One of them pulled a paper out of his pocket and announced, "Nelson, you are under arrest for violation of the Smith Act."

"You can see he's sick," Margaret cried, "Did you get a clearance from the hospital? How can you take a crippled person to jail?"

"Yes, we got that cleared, lady," one ventured to say.

"I don't believe you. If he gets an infection, you'll be responsible."

I sized up the situation and began to make ready to leave. Margaret demanded, "Where are you taking him? What's the bail? Wait until I get his medicines."

The six young men were in a hurry to get out, Margaret was raising hell with them, and if there was one among them who had a conscience, he knew what it meant to be a rat and a gestapo gangster in the shadow of William Penn.

They took me out through the back door. The workers who were leaving the clothing factory were members of the Amalga-

mated Clothing Workers and they stared with amazement at the sight before them. The Second World War was supposed to have been fought to end such harassment of people for their political views but here, four short years later, before their very factory, they saw this unbelievable drama. They looked on as the five cars with about twenty men whisked me off to the FBI office near the City Hall.

The FBI men and Alesandroni, Musmanno's friend, with a few of his cronies were already there when I was marched into the Federal Building on Chestnut Street where a judge was waiting to set bail. Without blinking an eye, he set a "fair bail" of \$50,000 on me, although in the state case \$10,000 had already been posted.

The TV and newspaper cameras shone and flashed. The vultures of the press were getting their story while I leaned on crutches facing the judge, a political hack, as he signed the papers and left in the company of several women. "Let's go," I heard him say, "we'll be late for dinner, dear."

A little man with a Texas hat and built-up shoes came up to me and said, "Come on with me, Nelson, I am the United States marshal. Conway's my name. I'm taking you to the Mayomensing jail."

In the marshal's car, the radio was turned on; the regular program was interrupted to announce the news of my arrest and the arrests of Dolsen and Onda at the sedition trial, just as Onda was making his summary to the jury. The new victims added to the list were Ben Careathers, Bill Albertson and Irving Weissman. I was infuriated by this unheard of action by the Musmanno clique against Dolsen and Onda. How could any jury give these friends of mine the benefit of a doubt when the United States government stepped into the County courtroom and put shackles on them? If only the people could see the record of the case, and if they were not victims of a mob psychology, they would condemn these fascist-like theatricals.

Onda and Dolsen were found guilty and their bail was increased. In the absence of bail, they were thrown into the Iron City jail. It was here that Onda suffered his first severe heart attack just as the trial was ending.

Marshal Conway chattered jovially with his deputies, discussing everything from baseball to brands of whiskey. Every now and

then he turned to me to say: "You don't need to worry about that leg, Nelson, I'll tell the chief down in the jail to put you in the hospital."

I looked at him silently, with disgust. The man's efforts to show his self-importance were laughable. He sat on a stack of cushions and thought he was on top of the world.

"Remember where you saw me first? Remember you were brought to Washington, D. C. by the United States marshal from Pittsburgh by plane? He had you handcuffed and when you got into the airport we had to whisk you away so that the newsmen wouldn't pester you. Remember, I was the guy who took you away?"

"Yes, I remember when Un-American Committee Chairman Thomas and Congressmen Nixon and Wood were fighting about who should get the first bite out of my hide. Musmanno was in that competition and you did the dirty work."

"Well, what do you want from me; a job is a job and I got a good one, and I ain't gonna give it to some other guy just like that."

When we pulled up to the old jail house in South Philadelphia, which was built in 1859, it was night and I saw no one except the guards. I was put in a small low cell with two other men who stared at me, the stranger who had disturbed their slumber. The ceiling was a concave brick type, like an old-fashioned wine cellar structure. A small electric lamp glowed unevenly. The range man brought me a blanket and a sack of straw for a pillow, threw it on the bed—a straw mattress—and said, "I'll see you in the morning, buddy."

The man across from me was a short, heavy fellow, with a dark complexion. He was stretched out on his bed naked, revealing a powerfully muscular body. He rolled his eyes and kept talking to himself. The man at the foot of my bed sat up and spoke to me.

"The guy across from you is Shorty. They call me Vet. I just come back from the Korean war. I'm shell-shocked. They say I'm crazy, heh, heh, heh. I'm crazy? Wait till you see Shorty, then you'll see what it is to be real loony."

Suddenly the man across from me jumped up and began to dress. "I have got to go. They are calling me," he said to himself.

The other man eyed him and me closely, and began to dress also. I watched their movements carefully.

"Yeh, I got to go, for sure this time, they come to get me,"

Shorty said as he put on his hat and started to roll his blanket. He threw the rolled blanket over his shoulder, bade me good-bye, and started to walk to the small door under the brick archway. As he came to the door, he stopped.

"Ho, ho, ho, he thought he was going out, the crazy fool, ho, ho!" shouted the Vet, almost in hysterics.

"Don't you call me crazy," said Shorty, "I heard them calling me." He turned to me and said, "Ain't it so, didn't you hear them call me?" Then he stepped over to the Vet, who was easily a foot taller but who stopped laughing and began to plead, "Please, Shorty, don't touch me, maybe I wasn't listening and that's why I heard nothing." As Shorty stared at him, he covered his head with his blanket.

Coming over to my bed, Shorty looked at my steel splint, shook his head, and said, "It hurts, don't it, buddy?"

"Yeh, it hurts, Shorty."

"You gotta cover it up. This place is dirty," he said very earnestly, and then added, "It's tough, buddy, it can't be done, can it?"

"No, it can't be done here," I agreed, and marvelled at the little man who, despite his troubled mental state, concerned himself with someone else's misery.

At least twenty times a day Shorty dressed to go because the voices called him, the Vet teased him, and when Shorty leaned over him the big man would plead to be left alone. I got so used to the act that I didn't even look at the two men, who should have been getting hospital care but had been left to the heartless police department.

While lying idle in that dirty cell, I developed an itch around the steel pins in my leg, and began to fear complications. Fortunately Margaret and a few friends knew of my predicament. When lawyer Louis McCabe came to see me I told him about the psychic ward and filthy cell I was in. A protest brought about my transfer to the "hospital," where I spent another week before friends succeeded in bailing me out.

18. *Looking for a Lawyer*

Although I was still sick and in pain and compelled to use crutches—the steel pins had been removed only the day before—I had to appear in court in Pittsburgh to begin trial on September 28, exactly four months after the accident.

I told the presiding judge I couldn't go ahead because of illness and that if it weren't obvious to him he could get a doctor to examine me. He appointed two physicians: Huber Wagner, the chief doctor of the U.S. Steel Corporation, and Dr. Weinberg, a nerve specialist on the staff of the West Penn Hospital. After an examination, they recommended a two-month postponement of the trial. That made me sore; I was certain that two months was not enough time to get well and to prepare for trial.

All the efforts to get a lawyer for me had failed. My wife and friends saw over eighty lawyers in Pittsburgh, who said, "Too busy." . . . "Don't practice criminal law." . . . "Can't make the sacrifice." . . . "Don't want to be another Schlesinger." (Schlesinger was a progressive Pittsburgh attorney whom the local McCarthyites arrested and wanted to frame as they framed me.)

Upon my return to Pittsburgh, I visited a number of lawyers myself—more than twenty-five—and wrote to fifty others in Philadelphia, New York, Chicago, California and Washington and West Virginia. Somebody told me of a lawyer who might take my case. His office was in an impressive office building not far from the courthouse. Although I telephoned him, I had to wait a long time before he could see me. His library contained thousands of law books, lining the long shelves, crammed full to the high ceiling. I browsed through them. Judging from the dust, they were not used for anything except to "impress the client."

In the middle of the long wall hung pictures of Lincoln, Erskine, Jefferson, and a few local judges, including Musmanno. There was also a large copper plaque which read, "I may disagree with what you say but I will fight to the death for your right to say it." I told myself that any lawyer who displayed Voltaire's motto these days must be a man of high principle.

Yet I was disturbed by what I saw. How could a man put Musmanno side by side with Lincoln and Voltaire?—like putting up pictures of Roosevelt and McCarthy. It made me feel like turn-

ing around and leaving. Just as I was about to do that, I was called into his office. I greeted the man cordially, having met him on a few occasions, and waited, expecting to be asked to sit down. Instead he said to me, "Nelson, I know what you want. But there's no use talking. I can't help you. I'm too busy. Besides, I couldn't do you any good."

"Well. . . ." I was at a loss for a moment. "Could you tell me whom I could get?"

"No, I can't. No one wants to stick his neck out for you—you know how things are. People are against your views. Take any twelve men and women, put them in the box and they'll hang you."

I was standing before his desk, leaning on my crutches and looking at the empty chair, but still he didn't ask me to sit down. "What about my rights?" I asked. "I don't ask you to agree with me. I ask to be allowed to believe in socialism and to advocate it if I wish. I committed no crime whatever. You know that I shouldn't be tried at all. But if I am to be put on trial, I want to put on an effective defense. I want to expose my persecutors. I want to expose the judge and the prosecutor who want to rise to political power by lies and slanders against me. I'm not asking for a lawyer who agrees with my views. I want a man to defend me, in the spirit of Voltaire's words hanging on the plaque in your library."

"Nelson, I can't help you. I'm not going to ruin my business. Be sensible. A man can't be a lawyer in this town by getting in trouble with the judges who are against you and your friends. Besides, I'm not a youngster any more. I used to stick my neck out, but I'm not the foolish idealist I used to be."

"Then there's no use my talking to you, is there?"

"I suppose not. I'm sorry, I can't help you."

"Then, shouldn't you take off that plaque with Voltaire's quotation and sell it to the junk man? They need copper to make shells for the Korean war!" (That plaque weighed at least thirty pounds, to judge from the large brass screws that held it on the wall.)

He was getting green in the face. He made no effort to look me in the eye, nor did he tell me to leave. I saw it was time for me to go but as I started towards the door he said, "That's the trouble with you, Nelson. You don't know when you're licked. You expect

me to live up to Voltaire's motto in this day and age. You'll have to be more practical and get hold of your senses. I don't go for your blind idealism."

He went on in the same vein, trying to justify himself. I could see him going out for a ride in his new Cadillac, ending up at his favorite club for a drink and exchanging jokes with stuffed shirts like himself, bragging about his investments in the stock market. On Monday he would have the kind of clients "whom he could help"—one, two, and three—a dope peddler, a racketeer, "a man who could pay." Oh, he could help them—he had the right contacts. Not much work, no need of law books and research. He was a friend of some judges and he would see to it that his case came up before the right one.

As I left, I said, "Soon you had better hang up Musmanno's plaque, it's more in tune with your 'mature' state of mind. But please take Voltaire's down, for if Musmanno sees it next to his picture he'll arrest you for sedition—the way he arrested Schlesinger, the only lawyer in town who was willing to help people like me."

The days went by. I continued to visit lawyers in Pittsburgh and wrote to others out of the city. Here's the letter I mailed out and some of the responses I got:

Dear Sir:

I have been indicted under the Pennsylvania Sedition Act in the Court of Common Pleas in the City of Pittsburgh. The charge against me is "sedition." The trial with two other co-defendants, Andy Onda and James Dolsen, was in its fifth month when I suffered a serious automobile accident, as a result of which I was severed from the case. My two co-defendants' trial continued and resulted in a conviction.

Because of injuries received and because of litigation as a result of an indictment under the Smith Act I have been unable to prepare for my case which is scheduled to be opened October 1st. The lawyer who defended us in the first trial, Mr. John McTernan, is unable to defend me at this time because of previous commitments. Therefore I am writing to you with the hope that you might be able to represent me.

In my opinion the case against me stems from the present anti-Communist hysteria and because of my party's opposition to the present war in Korea. Needless to say I am not guilty of any crime. In fact, even the prosecution's whole case rested on the fact that I "believe in certain ideas," and I "possessed and read certain books" that were deemed "seditious" by the prosecution.

I hope that you as a member of the Pennsylvania bar will agree to defend me in this case. If you do not, I'll be in great danger of facing trial without legal counsel.

If you should be interested in contacting me, I can be reached at 3120 Iowa St., Pittsburgh, or telephone me at MUseum 1-0197. Any efforts on your part will be greatly appreciated.

Sincerely yours,
Steve Nelson

* * * *

Dear Sir:

I received your letter of September 25th. I am interested in your case, but I wouldn't find it possible to take on the responsibility of defending you. Basing my opinion solely upon what I have read in the papers, I admit to an urge to do something about it, but I am not in position to make the sacrifice that would be required.

Yours very truly,
T. Henry Walnut

1420 Walnut St.
Philadelphia 2, Pa.

* * * *

Dear Mr. Nelson:

This is in reply to your letter of the 25th instant asking me to act as counsel for you in a trial. . . .

. . . I am unable to serve as your counsel. I have other commitments requiring me to be in court here in Philadelphia on October 1st. Furthermore, I have had very little experience indeed in criminal practice. . . .

I regret that I cannot be of service.

Sincerely yours,
Walter C. Longstreth

704 Bailey Building
1218 Chestnut St., Philadelphia 7, Pa.

Dear Sir:

I have your letter of September 27, 1951, requesting me to represent you. I am not engaged in the practice of law. I suggest that if you are unable to employ counsel, you bring your situation to the attention of the trial court and request it to appoint a lawyer to aid in your defense.

Sincerely yours,
Louis B. Schwartz,
Professor of Law

University of Pennsylvania
Philadelphia 4, Pa.

* * * *

Dear Mr. Nelson:

For personal reasons I am unable to undertake to represent you in the forthcoming trial in the Allegheny County Quarter Sessions Court, scheduled to start on the 15th of October in which you are the defendant.

Very truly yours,
Lawrence J. O'Toole

Plaza Bldg.
Pittsburgh 19, Pa.

* * * *

Dear Mr. Nelson:

As I had written you before, I am deeply interested in the threat to civil liberties involved in your case. Until you were here this morning, I had no idea, however, that the previous trial of this case had taken six months. I was thinking in terms of a couple of weeks at the most.

I practice law alone and have no partners to take care of my affairs when I am away. Under these circumstances, it is simply out of the question for me to leave my practice and come to Pittsburgh for the time required to try this case.

Yours very truly,
Darlington Hoopes

26 No. 6th St.
Reading, Pa.

Dear Sir:

This acknowledges receipt of your letter of Sept. 25th. It is impossible for me to undertake your defense since at the present time, I am busily engaged in the political campaign as a candidate and will be unable to give any time to legal matters until after November 6th.

1528 Walnut St.
Philadelphia 2, Pa.

Very truly yours,
Victor H. Blanc

* * * *

Dear Mr. Nelson:

I am very sympathetic in your present circumstances, and particularly I regret that my commitments which are many and the cases which I am greatly obligated to try, beginning the first of October and running through the entire fall and winter calendar, will prevent me from representing you in your most important trial in Pittsburgh.

It is impossible for me to leave Philadelphia at the present time. Perhaps you know of the trial in which I was engaged from January 4th until June 20th in Trenton, New Jersey in the case pretty well nationally known as the "Trenton Six" case in Trenton, New Jersey. This lasted for a period of nearly five long months. During that time the large number of cases that I had already been engaged upon to try in Philadelphia County had to be continued until the Trenton case was concluded. Those cases, along with current cases, began to appear on the trial list this month. From now to late in the winter I shall be constantly engaged in making up for the time lost caused by the long delay in the completion of the Trenton case.

In addition to this, I am the nominee of the Democratic Party of Philadelphia for our City Council under our new City Charter. I am engaged in my campaign for election and for the election of all the Democratic candidates every day and night and will be until November 6th, when I hope our entire ticket will be elected.

I sincerely hope you will be able to engage able counsel to help you in this serious matter that now faces you.

40 So. 19th St.
Philadelphia 3, Pa.

Sincerely yours,
Raymond Pace Alexander

Dear Mr. Nelson:

I doubt very much whether I am your man, or you mine. I take it that you are a member of the Communist Party. In that party, as against the whole world, lying and perjury are standard operational procedure, at least so I have been led to understand by the writings of Lenin and others. No lawyer ought to condone perjury; so if your defense is to involve it, I would turn you down cold.

Moreover, I have never tried a criminal case, and I rather doubt whether, if the trial should be prolonged, I would have physical stamina to finish it.

It seems to me, therefore, that the most I should or ought to do for you is the following. If you will obtain Pittsburgh or other Pennsylvania counsel who is familiar with criminal procedure and who will do the active trial work, except so far as concerns such intervention in the trial by me as may seem expedient to me, and who will be responsible to you for all procedural matters, I am, subject to certain qualifications, willing to act as co-counsel.

First of all, I must know to a certainty whether you are a member of the Communist Party or not. (In the nature of things your personal denial will not, I fear, suffice me.) If you are, I must have a written agreement from you, agreeing that the whole trial is to be under my complete control; that you understand that I condone no perjury; and that if at any stage of the proceedings you violate your undertaking not to do or say anything I do not approve, I am to have the right to withdraw from the case on the instant. This agreement would, of course, be disclosed to the court and the district attorney beforehand and approved by them both.

Let me make it even clearer that I should consider my duty as counsel to consist of two things only: (1) to make the State prove whatever case it may have; and (2) to safeguard your constitutional rights, saying everything that can fairly be said on your behalf. Perhaps this is not enough for you. I should want, of course, to approve whoever you may choose as co-counsel.

If you care to send along the indictment together with any other material you may have, including any statement of facts you may wish to make, together with a check for \$250.00, I shall be glad to go over it for you. It should, of course, include any data you may care to submit on the question of whether you are a member of the Communist Party.

And before agreeing to act, I shall want to have a sufficient fee paid or secured to me with regard to the proceedings in the court below, at the rate of \$350 per day, plus my expenses while I am in Pittsburgh.

Let me add another word, which you can believe or not, as you choose. I do not practice criminal law. It does not attract me. Nor would I, if it were yourself only, assuming you to be a member of the Communist Party, care to lift a finger. I do, however, care for the rest of the people and I care that nobody should be railroaded or deprived of liberty without due process of law. So I will ask you to believe that this is not a stall.

You will note my correct address as above.

Yours very truly,
Ira Jewell Williams, Jr.

19th floor
Land Title Bldg., Philadelphia.

Need I comment on this arrogant letter? Naturally, I didn't bother to answer it.

19. I Refuse to Pay for the Rope to Hang Me

December 3rd arrived. The trial was scheduled to start. I was still without a lawyer. I was still in pain. I hobbled on crutches and my head was splitting with headaches.

I told all this to Judge Montgomery, even though he could see for himself. I asked for a postponement.

"There were too many delays already," said the little, roly-poly judge. "The trial is going on!" He gave an awkward jerk to his shoulder as though he was going to push the trial forward physically.

I pointed out to him that every racketeer could and did get postponements for the slightest reason. But there would be no more "dilly-dallying," the Judge told me. I demanded that doctors be appointed to examine me. Judge Montgomery had no objection to this since it was he who would select the doctors. My wife and friends were afraid I was running a big risk, but I was willing to

take the chance. I was also hoping that I'd be able to get a lawyer by the time I got well.

But Judge Montgomery had good reasons for rushing the trial immediately. He had to get the conviction in before the deadline for filing as a candidate for the State Supreme Court. In this he was only following the examples of other officials who had figured in my previous trial, like Judge Gunther who became a Superior Court Judge, District Attorney Rahauser who became County Judge, Lorin Lewis, prosecutor in my first sedition trial who also became County Judge; but especially the example of Michael Musmanno, who had raided Communist Party headquarters personally and who had appointed Montgomery as trial judge in this case, then got himself elected to the Supreme Court of Pennsylvania for twenty years at a yearly salary of \$22,000! This little political upstart wasn't going to miss *his* chance.

He got himself a few headlines in the Pittsburgh newspapers complaining about my "stalling and delaying tactics," and then appointed Dr. Huber Wagner, head doctor of the U.S. Steel Corporation, to examine me in the West Penn Hospital, where steel workers injured in the mills are usually taken.

I had to take various tests, including a spinal, in which the fluid was drained from my spine and a dye was pumped in to make X-rays possible to see if I had a fractured skull. The test is complicated and painful, and the patient is required to lie flat on his back for at least twenty-four hours afterwards, or suffer complications.

Five hours after my tests, while I was lying in bed, a man entered the hospital and walked down the long corridor, passing the front office without being challenged, and demanded to see me. My children were sitting in the hall, and heard the man threaten me. Nobody made an effort to stop him. He entered the ward and came up to the end where I was, and asked the man next to me: "Are you Steve Nelson?"

I couldn't see the intruder very well at first. But when I did I knew I had never seen him before. He came toward me, with his hand in his pocket. "So you're Steve Nelson!"

"Yes, but who are you?"

"Oh, I come to tell you that I just got a telegram today that two of my brothers were killed in Korea." He shoved his hand further

into his jacket and pointed a gun at me as he walked toward my bed. I jumped up, in spite of the flash of pain in my head, and pushed his gun away. My neighbor, an old miner, jumped out of bed and grabbed him from the back, crying, "You ought to be ashamed of attacking a sick man!"

Now the doctors, nurses and orderlies who had been in the ward, rushed over.

"You—you're not allowed to get up!" one of the doctors said indignantly to me.

I demanded that they have the hoodlum arrested. My wife, too, who had witnessed the assault, demanded that he be arrested. But nothing happened. Meanwhile, the would-be murderer was glaring at my wife. "Let me at her," he cried. "I've got itchy fingers. I want to sink my nails in her throat."

He walked out—alone, unhampered. How had he got in when all the visitors have to prove their connection with the patients they were coming to visit? Why did he stroll out again and disappear without an attempt to stop him? Did Michael Musmanno know, or Judge Montgomery? Who had sent him? And was it he again, or someone else who sent a bullet through my window at my home, a little while after this incident?

There was no one to answer these questions. Neither the city police nor the county officials ever tried to find the hoodlum. What could a crippled man, running a low temperature of 95, with no lawyer, in a city notorious for frameups and the cold-blooded murder of workers in strikes, hope to do?

But Montgomery was determined to give me a trial—with all the usual fixings: twelve jurors, a Bible for the informers and stool-pigeons to swear on, a gloomy court-room, and then a one-way trip to the prison for life! Nobody could say Nelson had not received his day in court, that American justice was not equal and blind, "even" as the New York Times would piously state, "for Communists."

The day was cold and dreary. Pittsburgh is not a beautiful city. The court-room was almost empty when we arrived. Chills broke over me and I felt dizzy. Margaret kept looking at me anxiously. I had decided that I would have to ask the judge to help me secure counsel. I had contacted over eighty lawyers around Pittsburgh

and Philadelphia. The overwhelming majority had not even answered. Of those who did, most rejected the case outright, some with Red-baiting of their own. Some wanted a fortune to represent me. But it all added up to my facing trial without a lawyer.

When I explained this to Judge Montgomery, his answer was simple: "There'll be no further delay."

I tried a desperate last chance.

"Your Honor, since you apparently don't believe that I cannot get an attorney in this city, I request that you appoint a panel of attorneys with whom I can discuss the case and see if I can get one to defend me."

The Judge hesitated and looked over to the prosecutor.

"All right, I'll give you the names of four lawyers whom you can interview tonight and be prepared to go to trial tomorrow morning."

I protested. "How could any attorney possibly undertake to go to trial tomorrow? If he's any kind of attorney at all, he must have some other business which he isn't going to drop just to take my case. Furthermore, he should get familiar with the case, shouldn't he?"

The Judge made an impatient motion. "That's all I'm going to do. One of the Assistant DA's will give you the names."

The man who gave me the names of four lawyers was John Lewis—a man who was dreaming of making a name for himself on my conviction.

Still, any lawyer was better, I thought, than none. That night was a busy one for me. I interviewed all the attorneys on the list, and their answers were all the same. By trial time I was desperate. Fifteen minutes before court opened I happened to catch the last man on the judge's list. He agreed to see me in the corridor of the courtroom. There I met him; a man less than thirty years old, tall and beefy, smelling of pomade. Hardly had we exchanged greetings when he asked me: "Are you ready to pay \$50 a day?"

I looked into his calculating eyes, and remembered his reputation. He was well known as a "workhouse lawyer" who lived off desperate men, a parasite of the worst sort. He would milk any amount from \$10 up from men in prison, promising to help them get their paroles; and once he had the money, he'd never be heard from again. Nick, the Boxer, had told me how this "workhouse

lawyer" had squeezed \$200 out of him for "helping with his parole," when all he did was send a routine letter to the parole board.

Now he wanted \$50 a day!

I asked him whether he had ever tried an important case, whether he had ever read anything about the sedition cases, whether he knew anything about the Act under which I was being tried, and whether he thought it was important for him to get acquainted with the details of the previous case I was in. He avoided all these questions, although he did inform me that he believed fifteen minutes would be enough for him to familiarize himself with the indictment from which he could then proceed. I told him that the indictment covered fourteen long mimeographed pages, single-spaced.

"Do you know," I asked him, "that it contains over thirty-four long quotations from books? Shouldn't you be acquainted with these books and quotations before you agree so readily to go ahead?"

"Well," he said, "the judge wants to go ahead with this trial this morning."

"Is that what he told you?" I shot at him.

He was flustered for a moment, realizing he had made a slip. "Are you able to pay me \$50 a day?" he demanded.

"I haven't got a cent," I answered. "But my friends are raising money to help me, but I'll be damned if I'm going to pay for the rope to hang me!" I took a look at him. "Aren't you interested in protecting my rights? As a lawyer, you should know that proper preparation for trial is as important as having an attorney at the trial."

"Court," the tipstaff yelled.

"Are you ready to proceed?" Judge Montgomery asked. "Did you manage to get an attorney, Mr. Nelson?"

I explained that I had no attorney that morning, but that three were willing to represent me if they could get thirty to sixty days' time.

"What about Mr. . . .?" the judge asked.

He was the "fifty-dollar-a-day" faker who felt he could handle the case after a few minutes' study.

"Apparently he's the choice of the prosecution," I said. "He's too willing and too zealous. . . . He's ready to proceed but he's not satisfactory to me. I believe the Constitution guarantees me the right to have an attorney of my own choosing. Therefore, I renew

my motion that you grant me time."

The judge pointed out that he had done his duty by suggesting a panel, and that I was actually refusing everybody he recommended.

I wanted to know whether I was required to accept a lawyer appointed by the judge.

"I am not appointing anybody," he replied.

"Shouldn't there be time for a lawyer to prepare properly?" I demanded.

"A certain amount, yes," he answered.

Again I told him that I had three lawyers who would represent me if they could have a month or two in which to study the case.

"But I am not going to give you any more time," the judge said.

I told him that it wasn't I but the attorneys who wanted the time. There were long books to read, voluminous records.

"I know," said the judge, "that many volumes were considered at the previous trial. . . . But I am not going to put up with unnecessary delays. . . . This is going to be tried as a law suit, a court case, here in this courtroom. . . ."

I said, "But this is not an ordinary law suit."

"We have other serious cases here, serious homicides," the judge said.

"But this is no homicide case," I protested. "There is no crime involved. It's a trial of political opinions!"

"That's your position," the judge sneered. "It's not the position of the Commonwealth. . . ." He assumed an efficient manner. "I'm not going to afford any counsel that you may get an opportunity of reading a large number of books in preparation for this trial."

I pointed out as patiently as I could that since no crime had been committed, it was my views and opinions that were being tried, and these could not be tried in any court anywhere.

Monotonously, like a machine, the judge intoned, "We are going to proceed."

"I'm being forced to trial without counsel," I objected. "Is the court then ordering me to go to trial without counsel?"

"I am ordering you to proceed to trial with or without counsel!"

A little bit of the man's temper had begun to show. I wasn't "cooperating"!

"I object," I said, "to this procedure. This whole business of compelling me to meet with attorneys in an hour, sometimes for

fifteen minutes in the courtroom corridor and expecting me to come back with a lawyer is a sham and a farce, and I object to it! There are motions I intend filing and I can't even consult with an attorney. . . . Any self-respecting attorney doesn't want to be a party to a shot-gun wedding. And as I said before, *I will not pay for the rope to hang me!*"

The judge was fuming. "That last remark is a little bit contemptuous but I will overlook it at this stage of the proceedings, Mr. Nelson!"

He snapped, "This trial will proceed immediately!"

So the trial was to begin. I was to be my own lawyer. The night before I had sat up looking over old law cases, trying to become a lawyer before sun-up. Never had a law student crammed as I did! I knew that I could begin by filing certain motions, and asked the judge for time to do so. He gave me fifteen minutes to write all motions and present them! So after that time, in which Margaret and I worked over several motions, I handed the pencil-written sheets to the judge. He hardly glanced at them. Then I asked for permission to make several oral motions. He granted me this impatiently.

I made several formal motions, usual in most court cases. But my final motion nearly took the wind out of the judge. I demanded that he disqualify himself as not fit to try my case because of his deep participation with those who had engineered my arrest and trial. I pointed out that among other actions showing his prejudice was the sentence he gave Nathan Albert for attempting to break down the Jim Crow barriers in the Highland Park Swimming Pool. This judge had vindictively put Albert behind bars for twenty-three months, because, to quote the record, "Nathan Albert refused to deny that he was a Communist."

I asked the judge to tell me if it wasn't a fact that he was one of the founders of the Americans Battling Communism, an organization which had demanded my arrest and circulated propaganda against me. Yes, he admitted that he was one of the officers, "but at the present time inactive" (he meant while in the courtroom).

"Do you think it's proper that you try this case in view of this?" I asked him.

Without batting an eyelid, he answered, "Yes." Then, piously, he added that he felt he could give me a fair trial. It was all I could

do to hold back as I listened to this bland hypocrisy.

So ended this first round. Judge Montgomery's attempt to saddle me with a "workhouse lawyer" whose job was to get me convicted as quickly as possible failed. Though he tried hard for me to do so, I never refused this lawyer outright. Neither did I accept him.

20. *Jurors—A Figleaf for Crime*

The day I came home from the hospital, I suffered from complications caused by the armed attack upon me. I couldn't even keep my balance until the spinal fluid was restored, which would take at least twenty-four hours.

I had a hard time getting a cab. Too weak to stand, I had to sit on the curbstone in the cold December weather. When I did get home, I was shivering. Margaret piled all our blankets and coats on me, but they didn't warm me. We couldn't get a doctor to come to our home. The one in charge of the tests was a specialist, who didn't make visits, and he was through with me except for reporting to the court. I was desperate. My temperature would not rise over 97, and I couldn't sit up or walk without dizziness. Monday and Tuesday flew by. Wednesday I had to appear before Montgomery or he would cancel my bail, hold me in contempt, and throw me into prison. This he made very clear when Margaret spoke to him on the phone. And I had no lawyer.

Some attorneys that Margaret called in New York were sure the judge wouldn't proceed without a lawyer, but neither Margaret nor I shared their view. We knew the Pittsburgh McCarthyites; we knew how the papers—especially the *Pittsburgh Press*—waited to whip up more hysteria to keep the Korean war going.

At 9:30, Margaret, Art Shields of the *Daily Worker*, and I entered Courtroom No. 2, by now a pretty familiar place. It was here that Andy Onda and Jim Dolsen and I had first been brought in for arraignment, with John McTernan and Basil Pollitt as our attorneys. I had called Musmanno "a fascist liar" on that occasion, when he was acting as both witness and prosecutor. I remember

how the blood ran out of his face and he sat speechless—he, who never ran out of words!—and twiddled his fingers in the way some people do trying to be coy. His look at old Judge Thompson was a plea for help, and the arraignment had to be stopped, continued the next day.

When the next day came Musmanno had changed positions! He sat in the first seat at the counsel table—where the DA should be, directly across from Schlesinger, who represented Onda, Dolsen, and me at the hearing. And he had opened by bellowing, “Yesterday, this man called me a liar in this very courtroom. Why, he even tried to assault me right here before Your Honor. . . .”

“You are a liar again!” I had jumped to my feet and half a dozen deputies rushed up behind me, trying to pull me down, but I wouldn’t sit. Turning to old Judge Thompson, I said, “Your Honor, you presided over this thing yesterday. You saw everything that went on here. Did you see me attempt to assault him?”

The old man motioned to the deputies and me to get back and said, “Oh, let’s not go into those things.”

“I demand that you state whether what he says is true. If you don’t, I’ll call him a fascist liar again.”

As I recalled this incident, I knew I now faced another Musmanno but a much smoother one, in the person of Judge Harry M. Montgomery.

“Call in the jury panel,” ordered the judge, and about ninety prospective jurors filed into the empty seats. Margaret and I sat at the counsel table alone. At the prosecution table sat Judge Lewis, Judge Rauhauser, Cercone, and an assistant prosecutor, Smith, a young Negro lawyer, and two city dicks. At the press table, the three papers had their reporters, including Sam Hood, the professional redbaiter of the *Pittsburgh Press*. Also present were the radio and TV newscasters and the Secretary of the Americans Battling Communism, Jim Burns. I pitied my friend, Art, who had to sit at the same table with some of these men.

Judge Montgomery appeared all freshened up, his sparse bit of hair oiled down to his small skull. While the clerk swore in the panel, he peered over his glasses and fidgeted with a pencil. Forcing a smile, he nodded to the tipstaff, “Go out into the corridor and see if you can spot a lawyer out there.”

I wondered what was up. I looked at Margaret and she shrugged her shoulders.

"There is no lawyer out there now, Your Honor, but we'll soon find one."

Presently a man sat down behind me. His face was familiar; I had always thought him to be a County detective. He whispered to me, "What in the hell is this about, Nelson? What does the judge want from me, now?"

"I don't know. Who are you, anyway?"

"Oh, my name is Pierce O'Connor. I'm a lawyer. Didn't you ask for me?"

"No, I didn't."

"Then how come I'm here?"

"I'm sure the judge will soon tell you."

The judge was no amateur. He knew the American people wouldn't accept fascism, that this frameup had to be disguised. And he figured he had found a clever way: to blockade me with an attorney of *his* choice. But not all lawyers were ready to do the dirty job; they begged off with a doctor's certificate. One attorney whom the judge approached had said to me, "Nelson, I can't cross-examine Musmanno. He's a friend of mine. I saw him in the corridor in the courtroom. He said to me, 'Oh, you go ahead and take Nelson's case, just as Judge Montgomery told you.'"

"What?" I jumped from the chair I was sitting on. "You say Musmanno and Montgomery told you to take this case?"

The lawyer was taken aback. He said he would tell me the next day what he would do.

The morning of the trial, he was excused from taking the case because of "illness." But this was not the last effort Montgomery made to "help" me get a lawyer. I made sure to tell him that I thought this business of my prosecutor picking my lawyer was going too far. He pretended that I didn't mean him when I used the expression "prosecutor." But he knew exactly what I meant. He knew the cat was out of the bag when the last attorney quoted Musmanno as saying that both of them were interested in seeing that I get "proper defense."

The first prospective juror, Mr. Wade Fox, was called. (I thought, *A fox, already!*)

"Mr. O'Connor," said the Judge, "I asked you to sit at the

defendant's side to help him with the selection of a jury."

The lawyer looked at me, blinked his eyes.

Prosecutor Cercone, Musmanno's nephew, asked the prospective juror a few questions, then stopped and turned to O'Connor.

What to do now? "My lawyer" didn't know what to ask outside of the routine questions about residence, occupation, etc. I wrote down a few questions for him, which he repeated and then stopped. At that point I rose.

The Court: "You have a lawyer speaking for you, Mr. Nelson."

Mr. Nelson: "Well, just a minute. There is a disagreement between us. We had no chance to consult."

The first juror was challenged for "cause."

In about one hour Mr. O'Connor examined fourteen prospective jurors. He had to use up four of my eight challenges because the judge refused to excuse people for "cause" even though ample bias was shown. As we went along I kept on writing questions and Mr. O'Connor became a little more familiar with them. In this way we began to smoke out the hidden prejudices of judge and jurors. I urged the lawyer to expose the lies, but he "couldn't see why I was antagonizing the judge." I said, "He's no judge to me, he's an executioner." But we had no time for arguments. Things were moving fast.

One would-be juror, DeShong, an ex-school teacher, was a smoothy who wanted so badly to get on this jury that she managed to answer all questions in such a way that it was impossible to challenge her for cause. I pushed the lawyer so that he actually took up nine pages of the record trying to smoke Mrs. DeShong out. At one point she said, "If the evidence showed that he is a Communist, it might tend to influence me against the defendant," and we challenged her for cause. The judge and both prosecutors, Lewis and Cercone, hung on to the word "might," which, they said, did not show prejudice. We had to use a peremptory challenge to get rid of the lady.

Then came prospective juror Andrew Bornschlegel. In answer to the question, had he formed an opinion as to the guilt or innocence of the defendant, he answered, "Not exactly."

"Would you care to explain what you mean by 'not exactly formed'?"

"Well, I don't believe I could," he said.

After a long argument, he was excused.

At this point, Mr. O'Connor got up and said, "Judge, I have a case coming up in another courtroom in five minutes."

"Okay, you may leave," said Montgomery nonchalantly.

I looked at Margaret and we couldn't help laughing. She said, "He may give you Harry Alan Sherman"—another vice-president of the Americans Battling Communism, a notorious anti-Negro and anti-labor Musmanno-ite, Cvetic's attorney. Sherman was in the room. That *would* be good, I thought. Perhaps people who had refused to see the frameup wouldn't be able to miss it now.

The tipstaff was sent out to hunt for a lawyer and presently Harry Glick was ushered in. He looked pale. I could see he disliked being roped in like this, just as O'Connor had, but he didn't protest openly. He went through a list of seventy-odd prospective jurors. We had only four peremptory challenges left. Glick raised questions, some written out by myself, others the sort of thing that lawyers know by heart. Despite his total unfamiliarity with the case, the questions helped to expose the lies, the fear and hysteria.

He managed to get almost the whole panel of eighty-odd people dismissed on grounds of prejudice and fear. When a prospective juror indicated he might try to be fair, the prosecution used its challenge. (This after the county detective had combed every name on the jury list!) A worker was challenged by the prosecution simply because he was a UE member and worked at Westinghouse. A coal miner's wife from Allegheny Valley was challenged because her husband was a UMWA member. A Polish American was challenged when he asked the judge (on Page 244), "If a fellow gets up here and says he is not prejudicial against any organization . . . will I be marked down either as Communist or . . ."

Near the close of the day, the jury panel was almost exhausted and only five jurors had been selected. The judge called Glick and me for a side bar conference. Looking at me gravely, he said, "I am not going to let you ask all those questions from here on. I am going to limit you to ten questions. You write them out and submit them to me now. I am going to recess for ten minutes."

"But we can't write out ten proper questions in ten minutes."

"I have made my ruling. That is all. Have your questions ready and bring them up after recess." He walked out into his chamber.

I wrote down the ten questions, leaving out minor ones and

putting in two that helped show up the bias of the prospective jurors. They were: "If it appeared during the trial of this case that Nelson is a member of the Communist Party and is opposed to the entry of the USA in the Korean War, would that fact create a bias and prejudice in your mind so that it would make it impossible for you to render an impartial verdict?" (Pages 341-342). We had been having trouble putting this question to the jurors and finally the judge prevented us from asking it altogether. The second question had to do with the Communists' opposition to involving this country in a war against People's China. Cercone's objection to that one was that "other people besides Communists are opposed to the Korean war." Yet, when we were first arrested, Musmanno had said we should be jailed because we opposed the war!

Now the jury box was filled in no time. The prosecutor and judge had accomplished their job: packed the jury box with their stooges. Montgomery, visibly happy, thanked the lawyers who had "helped" me and the prosecutor nodded approvingly.

When the prosecutor made some motions to change the dates in the indictment, the judge turned to me and asked, "Do you have any objections, Mr. Nelson?"

"Of course, I object. My objection is that the indictment as a whole should be stricken."

I looked him in the eye and pounded at the bar; I must have literally hissed in his face. The prosecutor backed away, and the judge looked around and said, "Not so loud. After all, this is a discussion at side bar. The jury and public is not supposed to be in on this."

The stage was set for the next day when the fascist Musmanno's nephew, Cercone, would replace Judge Lewis as prosecutor to make his opening statement before the jury.

21. *Law Course—the Night Before the Trial*

That night when we got home I went to bed right away. I still had the chills, my head was dizzy, and I was tired out. Margaret said, "You better not try to do anything, just see if you can rest up."

If you haven't prepared yourself until now, you won't do it tonight."

I knew she was right. But tomorrow the trial would start. The prosecutors would do their best to slander my views and ideals. How could I expose the demagogues in judicial robes who were attempting to destroy the Bill of Rights? How could I make clear the real reasons behind these trials of Communists in the United States? How could I show that they would lead to attacks against non-Communists later? And finally, how could I convince that jury that the masters who employed them had rigged such trials to promote the war scare in order to make bigger profits while the sons of common people died under gunfire?

These and other matters raced through my mind. But what really bothered me was that the struggle I knew so well had shifted to the court room. The propertied classes know the legal hocus-pocus and they were prepared to use it against me. I knew what to expect the next day. I could just see the scheming judge coo to the jury, as he had done the day before when a juror indicated that he was prejudiced against my Party. Montgomery had said sweetly, "Well now, you mean that you would not be able to lay your prejudice aside, when I instructed you on the law, to judge the case strictly on the evidence as given in this court?"

A confused juror, even an honest one, would say, "Yes, I believe I could." To get rid of such jurors, I had had to use the limited number of challenges given me by this very same judge. Yet I am told, in legal parlance, "On the record he would be correct."

The children came home from school showing signs of strain. There had been an air raid drill and all of them had to huddle under the seats. The teacher had asked questions. Bobby said when she asked who the "enemy" was, some answered Korea, China, Russia, and others said Communism. "Some kids looked at me." One had said, "Your old man is a spy."

Art, Jim, and Ben came to the house. After the dishes were washed—usually my job but not tonight—everyone wanted me to rest. I compared my family and friends to a trainer who wants to condition his boxer for a fight and allow him to do only the "proper" things. They ushered me out of the kitchen.

"What can I do? . . . I'll look at some law books that were sent to me by a lawyer who thought they might help me. . . ."

I reached for one and read some of it, but it seemed that either I had the wrong book or I just couldn't find the great legal secrets hidden in it.

Finally I ran into a series of "famous trials" stories that were interesting enough, but not very helpful. One told the famous story of how Abe Lincoln, as a young attorney in Springfield, won an important case. His client was charged with murder. It developed that the key witness against Lincoln's client swore he was present on the night of the crime and saw Lincoln's client, who he allegedly recognized by a scar on his face, commit the actual crime. Lincoln, the story goes, was able to refute the witness by proving by an Almanac that it was a moonless night and he couldn't have possibly seen a scar on a man's face twenty-five feet away.

What chance was there of using an Almanac to compel Musmanno and Montgomery to admit the hoax that they had framed me?

But perhaps, I thought, I could get something out of the next story. This described a case involving an Irish revolutionist and one of the most famous British barristers. Here the barrister trapped the rebel by a series of clever spelling tests. The note which the accused allegedly had sent the English governor in Ireland threatening his life had a particular word misspelled, and the "famous barrister" got the same spelling out of the rebel by clever cross-examination. It cost the Irishman his life. Unfortunately, I didn't know what spelling weaknesses Montgomery might have, or how to use them if I did. However, I went on reading with time racing against me, until I found a book titled, *Trial Hints to New Lawyers*.

"Hmmm. . . . This is it!" I eagerly started reading.

"Here are some musts and don'ts that a young lawyer must remember—never antagonize the judge . . . [Never antagonize Montgomery? What am I reading?] When the judge slaps you down and you lose an important point, smile gracefully as if nothing had happened. . . ."

It was soon time to get up and I hadn't slept a wink yet. Art spoke in a stage whisper, "Steve, you'd better get some sleep." Margaret heard him and said, "Yes, come on up." I threw the books away in disgust.

In the morning I rolled out of bed, helped the children with

breakfast and got them off to school. Josie and Bobby wished me luck as they left. We piled into a cab and went to the courthouse, getting there on time. Margaret and I sat at the defense table alone. She had a few sharp pencils and a yellow law notebook at her side. Some of the jurors fidgeted nervously, while others sat stony-faced and smug.

Along the wall on the right stood a score of lawyers staring blankly, a few friends of Musmanno. A crowd of rowdies whom I remembered from the first trial sat in the front rows nearest the jury box staring at Margaret and me and at old Pat Cush, who had never failed to tell them off in the corridors during recess in the first trial. Those were the people who pestered my friends, especially when there weren't very many in the courtroom. I saw a racketeer, a notorious numbers man, whom Musmanno let out of jail because his doctor claimed he had ulcers. These were some of the people who wanted my blood. I wasn't surprised.

My friends—coal miners, steel workers, electrical workers, Negro and foreign born—were there, too. Cercone evidently didn't like the looks of the crowd.

The judge called on him to make his opening statement.

22. *"The Commonwealth's Case"*

That December morning the old courthouse was so chilly that the judge held up proceedings until the jurors could fetch their sweaters and coats from the cloakroom. While other people stepped out for a smoke the prosecutor sat reading to himself from a large notebook, his lips moving as he rehearsed his opening speech. He had to make sure he didn't stumble over the lines that Musmanno had written for him.

The court room was packed that morning, about equally divided between friends and foes.

The jurors came back with their wraps on but they still kept glancing uncomfortably at the high windows, and I wondered if the judge would call a recess until the fireman could get more of the cheap grade of coal bought by a politician "to save the city money." But no, His Honor had to push on. February was around the

corner, and he had to dispose of my case so he could run for a judgeship on the State Supreme Court.

"You may proceed with your opening to the jury, Mr. Cercone—outline your case," he said.

Mr. Cercone's first sentence to the jury was: "You have been sworn to try this defendant who is charged with . . . the felonious crime of sedition. Sedition under our laws," he recited, "is committed when a person, either individually or in combination with others, brings, publishes, writes or by action, utterance or conduct intends to make or cause to be made any outbreak or demonstration of violence against the State of Pennsylvania or of the United States of America. . . . Sedition itself includes any writing, publication, printing or other literature which advocates or teaches the necessity of crime, violence . . . or the sale of or gift or distribution of any literature, publication, printing or writing which advocates 'sedition.'"

By this time he was bellowing. The legal verbiage makes no sense even to lawyers but there were some plain words here and there for a frightened jury, especially in the wind-up of the first part: ". . . and hence, in this case, I urge you to consider the strict necessity in enforcing the law, the maintenance of peace and dignity and order, and protection and safety of human lives and property."

I had been waiting to object to this lying fulmination. When Cercone said that he and Lewis "had no personal interest in the case," I laughed out loud and commented, "Oh no, you have no personal interest! You are only hoping to become a judge, as did Lewis and Rahauser and Musmanno."

I moved to strike and for the withdrawal of the jurors, and called for a mistrial.

"I shall act on your motion," said the judge impatiently. "I will not permit or grant your motion." He didn't even pretend to think about it for one moment.

I demanded, "Will you instruct him to cease and desist from using inflammatory language—and lies? It is completely wrong and illegal to open this case in this manner. You are permitting him to prejudice this jury against me from the very start."

The judge knew I was right. For the sake of the record he remarked, "I am asking him to do that, Mr. Nelson. I will ask him again to refrain from arguing the case at this time." Then, as an

afterthought, he turned to Cercone and said almost in a whisper, "Outline your case."

The stupid prosecutor began to argue with the judge, "Now, your Honor, I am going to object to this. I want to put this on the record, that this defendant's argument at the time that the Commonwealth is trying to open is just another phase of their tricks in the courtroom."

The judge promised the prosecutor that he would "ask Mr. Nelson to desist from interrupting your opening, to make notes of anything prejudicial to his side of it, and I will rule at the conclusion of your remarks."

I only continued my objections, demanding that the court stop the prosecutor every time he used inflammatory language. The judge kept on, "Please, Mr. Nelson, take notes, and I'll rule later." But I could not go along with that—I continued to interrupt and to expose the prosecutor's falsehoods.

At one point the prosecution said they would put on witnesses to prove that I was a member of the Communist Party. I told them to save themselves the bother, that I admitted my membership proudly, but reminded Judge Montgomery that he had stated the Communist Party was not on trial here. "I told you," the judge snapped, "that you may make any objections later. Now be seated."

I argued that I was not a lawyer. The judge said he, as a lawyer, was telling me what to do was to cooperate.

I moved that the prosecution's remarks be stricken. The judge said, "Do not interrupt him any more." I insisted: "Do I understand, your Honor, that I can't make a motion at this time?" He retorted that this had to be an "orderly trial." I demanded again, "Will the Court order him not to make any inflammatory remarks?" And I pressed both judge and the prosecution to keep out references to Party membership since they had said the Party was not on trial.

In order to appease me Montgomery said, "I can say to him at this time that these matters which you are referring to are not proper evidence."

Despite this, he let the prosecutor go on to still wilder remarks which, in spite of Montgomery's promises, were never stricken "later."

The prosecutor was skipping pages. During breaks, I had heard

Judge Lewis say to Cercone, "Oh hell, get the thing over with. It makes no difference," and Cercone had reluctantly agreed.

So he started on the windup, telling the jury what the various stools would testify to. One would relate how "Steve Nelson infiltrated the City of Pittsburgh with the Communist Party planned program of propaganda and sabotage," (his actual words). I moved for a mistrial; I charged the prosecution with making speeches for his election campaign. The judge ordered those remarks, at least, stricken from the record.

Cercone ended his speech in less than forty minutes, with more than half that time taken up by my attempts to block him and his friend, the judge. From the start, all I could do was to expose their game if possible. When the judge said, "I'll order it stricken later if the remarks are unfair," I laughed—and told him, "This is not like a spigot and water; you just can't turn people's minds off and on."

It was no use to threaten me with contempt. Since the judge's game was to give me the maximum of twenty years, a few more years for "contempt" wouldn't make any difference.

When the prosecution had finished, the judge was worried; it seems he was sore that the speech hadn't been read without interruption so that at least the jurors and the press would have it. But the press got it. They were allowed to take quotes from Cercone's original copy instead of what was "on the record." They made their own record.

I looked at Art sitting alone at the newsmen's table; all the other reporters had run out to call their papers on the scoop of the day. Art's friendly blue eyes glowed, his smile and wink told me what he thought about the judge and Cercone. In the ten minute recess, he came over to me and said, "What a miserable"—he paused—"but dangerous job this Cercone did."

"You're right," I answered as we walked the long marble corridor to the men's room. "That speech will look like something very important in the headlines when the Roy Howards and the Hearst hacks get through with it." (The headlines that night were, CERONE ACCUSES NELSON OF SPYING)

"Oh, the judge will take care of that," Art said. "Don't worry. He will admonish the jury to disregard the newspaper stories. He'll tell them that before the day is over. 'You must not read the

stories dealing with this case.' This only draws their attention to the stuff if they should have missed it otherwise."

"Yes, that's what my old friend Bob would call 'legal faking par excellence,'" I said, trying to give it a heavy French accent in the sarcastic way that Old Bob had.

Our friends, the two coal miners, one from Washington County and the other from Allegheny, came up behind us in the crowded men's room. Most of the time, these friends "had to go" when I went, and, of course, Art and I knew the real reason why. They handed me money collected for the defense or brought me regards from friends. This time, the small stocky miner remarked for all to hear, "What a bum speech the prosecutor made, eh Steve? Just like a little Mussolini—I mean Musmanno—I mean both!" He used their names interchangeably, just as Pat Cush did.

People crowded the long gray corridors, especially around Courtroom No. 8. The Courtroom gang fidgeted, and some hung their heads with malice on their faces. Art and I walked up to old Pat, who was telling them off in his Shakespearean English and sharp Irish, which only Pat could use so effectively.

"Court," said the tipstaff.

"First witness," called the prosecutor, Judge Loran Lewis, who was presenting the government's case until Cercone's uncle, Musmanno, was through testifying.

But the next witness was not Musmanno. It was the city detective, Joseph Becker, of the "hotel squad." He had been exposed as the person who had helped the race track syndicate operating from Yonkers to cover up its misdeeds when an inquiry was threatened. Now he was going to "uphold the law"—make up for his past by pointing his finger at me. Becker was the one who arrested me that August 3— at midnight and said when I asked him what for, "Sedition." Then I had asked him just what that meant, and he said, "You'll find out," while his partner, George Marshall, a tall roughneck, twisted my arm and said, "Come on, you; what you tryin' to do, be smart, eh?"

Becker had sat at the prosecutor's table since the case began, doing nothing but simple errands. Now he took the stand. For the first few minutes of his testimony he acted very self-important, but he soon found himself beyond his depths and began to flounder. He testified as to who he was, that he had arrested me and there-

fore knew me, that he was along with Musmanno at the time when the bookshop and the Party offices were raided. His job was to tie up the bundle of books and take them to Judge Musmanno's chambers.

I moved to strike his testimony as hearsay since he did not report having any knowledge of me and since all he had done was to bring in a bundle of books. Of course the judge refused. He said the testimony was "subject to connection." Though the trial has just begun and Becker was a small-fry witness, the judge showed how he was going to handle the case—like this:

The Court: All right, cross-examine.

Mr. Nelson: Q. You testified you took cartons of books to Judge Musmanno, is that right?

A. For Judge Musmanno to look at—

Q. You referred to these books as seditious?

A. That is right.

Q. Did you have a chance to read these books in the time you were there?

A. No. I didn't have a chance to read them.

Q. How do you know they are seditious?

A. Well, different paragraphs and phrases in them.

Q. You read two cartons of books in an hour?

A. It would take two years to read the three rooms of literature that were there.

Q. On the basis of that scant investigation, you feel qualified to state that those books were subversive?

A. Right.

Here the judge came to Becker's aid:

The Court: He used the word "communistic."

The witness: "Communistic and seditious."

The Court: I may be mistaken.

I moved to strike Becker's characterization of the books. Montgomery then promised to "direct the jury to disregard what class literature it was," though he never did even that.

Becker hung around the trial and drew pay while in court, at the same time receiving his regular salary. His job was to "protect" the government stoolies and to show them the sights. Even some conservative individuals later protested against the double racket developed by this gum-shoe witness.

23. *The Three Democrat-McCarthyite Judges*

The morning air was heavy, smelling of sulphur from the South Side Jones & Laughlin mills. Josie and Bobby ran off to school and Margaret and I took the street car to the courthouse.

"Who'll be the next witness?" I asked Margaret absent-mindedly, as the street car clanked down Center Avenue.

"Look at the sign up there, the fares are going up to twenty cents," she said, ignoring my question.

"Yeh, I see. . . . Who'll be the next?" I asked again.

"What's the difference who it'll be?" Margaret answered matter-of-factly.

"I know it makes very little difference, yet one likes to know."

"You'll know pretty soon, don't worry. . . . By the looks of things, it'll be the egomaniac," Margaret finally said, as we pushed our way through the crowded corridor in front of Courtroom No. 8.

I scanned the collection of courtroom rowdies, who were ready at a moment's notice to furnish a "spontaneous" background support to the distinguished member of the local bench, now elevated to the Supreme Court—a collection of hacks, the jailhouse lawyer, Blackburn, among them; an assortment of "deputies," special and otherwise, the bondsmen, the clerks from various public offices, FBI agents, Hollywood picture producers. . . .

No mistake who the next witness will be. Judge No. I, Montgomery, ran in from his chambers, missing a step, and almost hit the floor. He stumbled to his feet, embarrassed, and quipped to the jurors. "Good morning, ladies and gentlemen, I guess I can't do that like I used to. I'll have to watch my step." He grinned, turning to Judge No. II, Lorwin Lewis, the prosecutor: "Are you ready to proceed, Mr. Lewis?"

"Yes, your honor, we are. Our witness will be here in a moment."

The rear door opened and in stepped yesterday's witness, Lieutenant Becker; right behind him marched Musmanno, Judge No. III, just as we had expected. His nephew, the assistant prosecutor, walked behind him.

The last time Pat Cush and I had watched Musmanno strutting up Liberty Avenue at the head of the St. Patrick's Day parade,

raising his knees in majorette fashion, old Pat had nearly passed out. "You'll observe," Pat had said, "that this lowdown individual found a way to get at the head of this Irish parade. He'll always find his way to the front, no matter what, he'll be there. He knows it's good politics, his kind of politics."

Here, in the courtroom, he was strutting again. He wore a blue suit and loud tie, and his flushed face was powdered. Rushing up to the witness chair, he nodded to the presiding judge slightly, bowed to the jurors, and cooed, "Good morning, ladies and gentlemen."

Margaret said in a loud whisper, "What a clown." Judge No. III, the new witness, scanned the crowd in the room in the way Mussolini must have looked down on his flock at the Piazza de Venezia, while they yelled, "Nice, Tunisia, Adis Ababa." The crowd here looked ready to yell, too, but weren't sure of the words yet.

Judge No. II put the first question to the judge in the witness chair:

"My name is *Michael Angelo Musmanno*," sang out Judge No. III.

"Where do you reside, sir?"

"I was born in Stowe Township." He shook his head from side to side, up and down as he got these words up. The effort he put forth to state this single fact was such that the audience couldn't help but gather that because he was born in Stowe Township, he was really somebody! I nearly broke into a laugh. Judge No. I almost seemed embarrassed. A reporter gave me a knowing look and wink.

The prosecuting Judge, No. II, motioned to one of the hangers-on. The door in the back opened, three men pushed in a factory-type dolly, a four wheel truck, loaded with books and pamphlets. Judge No. III in the witness chair blew his nose and adjusted his glasses.

Judge No. I tapped a pencil on the bench, waiting impatiently. Judge No. II looked at a long yellow sheet in front of him. His fat neck was sweating, his face redder than usual because of the small size collar. In the front row sat my friends, Pat Cush and Ben Careathers, a group of workers around them. They were watching every move the three judges and I made. Pat's face was grave, his large hand—the hand of a steelworker—cupped behind his ear.

He followed everything with youthful excitement and it was a pleasure to sit near him and hear his pungent comments. He would say, "Did you see Mussolini—I mean Musmanno—anyway, 'tis n't a mistake. Oh, what a disgrace those two are to the fine Italian people! And to think that this little fascist pip-squeak's name is Michael Angelo."

The prosecutor finally found the spot worked out for him by his assistants, and began to question Judge No. III. The questions were vague and general, designed to give Musmanno an opportunity to make McCarthyite remarks.

Q. "Were there any pictures on the walls?"

A. "Yes."

I said, "I object to this manner of putting questions. He is leading the witness."

The Court: "Do not lead the witness." (Judge No. I said this in such a low tone of voice that it would hardly be heard, but he kept the record straight!)

Q. "Did you see anything on the walls?"

A. "There was a picture of William Z. Foster, a picture of Eugene Dennis. There was a picture of Elizabeth Gurley Flynn. . . . Then there were . . . Do you want me to go beyond the walls?"—(Now, where could this possibly be?)

Q. "Yes, tell us, give us a description of the headquarters as you saw it that day."

A. "There were no pictures of an American on any of the walls, of the sixteen walls of those headquarters!"

Mr. Nelson: "I object to the answer because it is clear that the three people he mentioned are all Americans."

Montgomery, Judge No. I, sustained me mildly, for the record, but cooed to Judge No. III as if to say, "Come on," which he did.

I raised objections and asked, "What is this? Is this man's evidence going to be his opinions just because he's a judge? Do I have to take this stuff from him?"

Montgomery turned to me and snapped: "You are not taking any stuff from anybody, and if you have an objection, present it in the proper way without disparaging remarks." First he had denied me a lawyer, now he wanted me to conform as a lawyer. I asked him instead, "In that case, shouldn't he, the prosecutor or

his witness, be allowed to make another opening statement to the jury—for that is what he is doing?”

Judge No. II introduced over a hundred titles of books. He introduced nearly all the works of Marx, Engels, Lenin, Stalin, and other Communist leaders, including American ones; maps of the USSR were introduced, maps of Pennsylvania, road map of Pittsburgh, magazines, leaflets. I protested that the introduction of all this material simply proved this was a trial of ideas; that the jury and courts were incompetent to pass on this quantity of books and pamphlets; and that the procedure was contrary to all the claims United States statesmen had made about freedom of thought.

But the three judges paid no attention to my protests—they were in a hurry, and they just put books and papers in evidence by the carton or bundle. I asked them: *“Why don’t you put the stuff on the scales, why bother seeing what is in the box and bundles?—it would be better to present it by the pound.”*

Judge No. I tapped his gavel and urged Judge No. II to go on.

I insisted that if these books were to be introduced, over my protests, then at least a charlatan like Musmanno shouldn’t be the one to interpret them and mark them for the jury.

At this point Judge No. I became generous. He “agreed” with me; and he proposed to solve the “problem” by ruling that *he* be the one to interpret ideas to the jury. It’s hard to believe this, but you can find it in the record, right on Page 555. “I think on that basis it would be for the Court to explain to the jury, in its charge, the meaning of these excerpts which you have read . . . unless Judge Musmanno is qualified as an expert on these matters first.”

I objected to either of these McCarthyites explaining any of the books or trying to interpret my ideas.

Mr. Nelson: “I object to Musmanno being brought here as an expert on Marxism.”

The Court: “I don’t know if he (the prosecutor) can qualify him?”

The prosecutor had forgotten what was going on; he was day-dreaming; but Montgomery had taken up his job.

Mr. Nelson: “I don’t think he can. It’s like asking Hitler to express an opinion or interpret what democracy is. . . . You can’t have an open shop employer explain the position of trade unions.”

The Court: "Well, I don't know."

Mr. Nelson: "You are not going to qualify him to explain issues and ideas which he is deliberately trying to distort, are you?"

At another point I said, "I object to this man's reading excerpts out of context. He distorts things and makes them look upside down. That is what he is doing."

Musmanno appealed to Montgomery:

The Witness: "I am going to ask for protection of the court from the insults of this defendant. He started yesterday addressing remarks about my testimony—He said just now that I was making political speeches."

"The Court: "I will protect you insofar as it is possible to do so."

Mr. Nelson: "I am not a lawyer, but I am defending my honor and all that I have done for over thirty years. . . . I have committed no crime. . . . I am not going to take this from this guy, even if he is a Supreme Court Judge. . . . I won't take anything from him without a challenge."

The Court: "Mr. Nelson, I am trying to be very patient."

Mr. Nelson: "This man is doing tremendous harm . . . do you expect me to sit here quietly and allow him to get away with that kind of stuff?"

One type of legal hocus-pocus I couldn't stand was that of allowing things to get before the jury and then promising "to strike it later."

I argued that "Human action is not like a clock which can start and stop. Jurors are human, they hear things. It's bound to have an effect upon them."

The Court: "Possibly there is some merit in what you say, but that is all we can do under the circumstances."

Looking back at the audience, I noticed some interest even among lawyers who had dropped in to see what was going on—many lined the long wall. My friends were cheering me on. The Musmanno crowd of rowdies and moron-minded bigots were glaring at me, but they were happy with the judge's rulings.

My friend Art gave me a wink. I got to know the meaning of every expression on faces of my friends. The wink meant: keep it up.

The prosecuting judge, fat, pink-skinned, chinless, drones on. "Judge, we will put the following titles in evidence, without read-

ing from them. . . ." He shows a copy of the magazine *Masses & Mainstream* to the jury, merely calling attention to a cartoon that shows the devastation of Korea by United States forces. I object on the grounds that I didn't draw the cartoon; furthermore, if they show it, they should read the accompanying article by Herbert Aptheker, a documentary exposure of Wall Street intervention in Korea. But no, they can't allow that.

Mr. Nelson: "You mean people have no right to criticize government policy?"

The Court: ". . . to a certain extent." (My emphasis)

Mr. Nelson: "We have that right. I am not going along with Truman's war program. I don't have to follow that policy."

The prosecution continued to introduce a mountain of books. Lewis kept on reading questions from the yellow sheets to Musmanno, who obligingly answered the stock questions, then added his fascist-inspired comments. I tried to block him. But with Montgomery presiding it was nearly impossible. I got to the point where I was not only making formal objections, but arguing and commenting. The following is an example:

Q. "I show you Exhibit No. 52 and ask you what that is, if you know?"

A. "This is a pamphlet entitled "On People's Democratic Rule" by Mao Tse-tung. . . ."

Q. "Did you ever see it before?"

A. "I did."

Q. "Do you know who Mao Tse-tung is?"

A. "Yes, he is the present chairman of the Central Committee of the Communist Party of China and the head of the Red Armies of China."

I broke in: "Since there are a number of copies, let the jurors look at the pamphlet itself. This pamphlet deals with the revolution in China. It tells how they kicked out Chiang Kai-shek and his cronies. They had the same right to do that as George Washington had to chase out the British tories from here. Certainly you are not going to try to indict the 600 million Chinese people for what they have done?"

Then Lewis quoted Gus Hall, National Secretary of the Communist Party of the United States, as follows: "It is the representatives of our country . . . who have become and are the guardians,

the saviors and the rehabilitators of Nazi butchers, fascist murderers . . ." I interrupted: "Isn't that statement true?"

But Montgomery came to the prosecutor's aid, saying to me: "You may cross-examine the witness at the proper time." When I continued, "They want to use the Nazis now against . . ." the judge stopped me again: "You may cross-examine him . . . at the proper time."

It is preposterous to claim that political trials can be conducted "fairly" in a surrounding atmosphere of hysteria. The state screens the jurors, picks the judge and prosecutor, and keeps pressure on the jurors through their employers and press. It keeps presenting its case when the court day is over, through the newspapers, TV and radio. Here is a story that appeared in the local Hearst press, the *Sun-Telegraph*, while the trial was in process. D. T. Jones, a reporter on the paper, "interviewed" the witness just as he left the chair:

". . . and while we were visiting around, we dropped in on Judge M. A. Musmanno and we got on the subject of important trials. Then I up and asked him why he happened to get so emotional when the verdict was brought in the important sedition trial. You remember Judge Musmanno had been a witness for thirty-one days. When I asked him that question, he said, 'Dave, after the jury returned its verdict, I found out for the first time that a son of the foreman of the jury had been killed in Korea. The whole jury was weeping from the effect of the eight-month trial and I myself broke into tears.'

My motion for mistrial on the basis of this planted story was promptly denied, of course. Montgomery said he hadn't read it himself, and, besides, he couldn't tell the press what to print and what not to print; furthermore, "the jurors were instructed not to read matter dealing with trial."

The fact that Musmanno had played the key role in the first trial in which Onda and Dolsen were convicted—and that every juror knew it—made no difference to the presiding judge. The jury also knew that Musmanno had become a Supreme Court judge since. Right now, while this trial was going on, banquets were being arranged for him and for Judge Lewis and Judge Rahauser. All this was done deliberately, to enhance the prestige of these McCarthyite politicians and to cut my throat.

The prosecution continued to read titles into the record. They introduced *Daily Workers*, leaflets, pamphlets, and peace petitions by the bundle. And I continued to protest: "No jury should be required to pass on what another man should read. . . . They should pass on crimes, not on things that people read or believe in. . . . This trial is in conflict with the First Amendment. . . ."

In the first trial the prosecution had built their case on our opposition to the Korean War. They didn't have any trouble proving that. We proudly admitted that we were opposed to it and that we were fighting to bring it to an early end. At this trial, they still hoped to profit by the war atmosphere, but they pulled their horns in considerably. I maintained that they were using the trial itself to fan the war scare. To their claim that we Communists opposed the war, I answered that we certainly did and that many people in our country's history had opposed war. And I told the court that I had been inspired by Lincoln's opposition to the United States war against Mexico. I said: "In 1847 when this country was at war with Mexico . . ." But the judge didn't want any of that. He said: "Wait a minute,"

I continued, "Lincoln opposed it. He was a Congressman at that time. He said we had no business going into that war. He even lost his seat in Congress over this issue."

The Judge began to yell: "Mr. Nelson . . ."

I still tried to go on: "I'm doing the same thing today, as best I can . . ."

The Court: "Restrain this defendant by force . . ." And the judge motioned to several deputies to pull me down to my seat. I protested against the use of deputies in the presence of the jury, and moved for mistrial, but Montgomery overruled me. He tried to make me present my objections the way Lewis wanted it. I insisted that my position was different from the prosecution's: "The difference between the two positions is, they have a political axe to grind while I am being railroaded to prison for twenty years." The three judges looked at each other. Lewis called for a recess; Montgomery granted it.

The long, gray marble corridor in front of Courtroom No. 8 was crowded. On one side were gathered some of my friends, anxious to help me. They usually made suggestions, some good and some not very practical, but all well intentioned.

The courthouse hangers-on, some known petty racketeers, the friends of the prosecution, also gathered together. Advice was given out there too, by assorted guttersnipes. In their midst was a lawyer whose trafficking in the sale of babies had recently been exposed. There was a known racketeer and friend of Musmanno, an East End tavern keeper, who (according to the *Post Gazette*), threw a policeman down a flight of stairs when the latter sauntered into his well protected sanctuary—an act for which he wasn't even arrested. (Musmanno's tender handling of racketeers was exposed by the *Post Gazette* writer, Ray Sprigle, and the judge never denied it—or did anything about it.) As I looked around, I saw my "public" was in the corridors: steelworkers, coal miners, Negro workers, wives of workers. They gathered around Pat Cush, Ben Careathers, James Dolson, and Margaret. The attacks made upon them by friends of the prosecution never deterred them from supporting and encouraging us.

Many curious people gathered there, too, and occasionally they gave a nod of recognition and a wink of approval. Old Pat, always considerate, edged up to me and asked, "How do you feel, Steve? You look tired. Can I bring you a sandwich and coffee so you won't have to go out in the cold at lunch time?" I gratefully accepted the offer. Pat and I stayed in the courtroom alone while others went out for lunch, and if someone came in to ask me anything, Pat would whisk him out fast: "Don't bother him now, he has to prepare to handle these gangsters in black robes. Let him work."

I was so sick, though, that I couldn't eat lunch—the first time in my life that I couldn't think of food at lunch time. I stretched out on the "counsel table" and rested until the courtroom doors were opened and the crowd started filing in. Pat left me just as Margaret arrived from home and the clerk yelled, "Court!"

Musmanno was on the witness stand again, and the prosecution was rushing the case. They didn't bother to qualify him as an "expert" on Marxism as they had at the previous trial, they were too bent on getting him off the stand before his banquet started. Witnesses usually take the chair as court opens but he always waited for the prosecutor to say, "Judge Musmanno, will you please take the witness chair and continue." Only then would Judge III start up to the chair and bow to the jurors: "Good afternoon, ladies

and gentlemen." He and Judge No. I exchanged nods, and both in the same breath said, "Your honor."

The gears began to grind as Judge No. II proceeded to read more titles of books and pamphlets into the record. "We are not going to read from this, Your Honor," he explained. "We're just going to introduce this very rapidly."

When I objected, Montgomery said, "Objection overruled, exception noted, proceed." Over fifty titles were read into the record in less than an hour. "Objection noted," No. I judge said, even before I had a chance to make it.

Finally, with all the theatrics of a ham actor, the prosecution read a long expose of the Korean war from a pamphlet found in the Communist headquarters. I protested Musmanno's play-acting and appeals to prejudice, but again my objections were overruled.

Finally came the words, "Cross-examine." I asked Judge Montgomery for time to prepare, but he wouldn't grant me even one hour. He was determined to salt me away in a hurry. I complained that while the defense was paying forty-five cents for a page of the transcript, I hadn't received a line of the witness' testimony, a fact that would handicap my cross-examination.

"We must proceed," Montgomery retorted. "We can't have any delays. You and your wife have been taking notes. You can use those. But we can't delay this trial."

This discussion took place at the side bar and the judge ordered it kept off the record. The only words on the record are:

The Court: "We will take a recess at this time, about fifteen minutes [and then] you may proceed to cross-examine the witness."

24. *"Those Books Are More Dangerous Than Firearms"*

How could I make use of my one night's study of *The Art of Cross-Examination*? I didn't have the record of the previous day in court yet. There was no time to write out any questions. Margaret saw the predicament I was in, and she said, "You know Musmanno, he's a lot of hot air; just prick him and he'll go up like a gas balloon."

Fortunately there wasn't very much about him that I didn't know. I knew he was terribly egocentric, that he had written a book in which he proposed himself as a candidate for President. And I knew he was vain to the point of madness. In another book of his, this one about Germany, he had appeared in every one of the sixty-odd photographs, including those with Hitler's dog, the photographer, the chauffeur and the secretary.

He would do anything for a chance to get his picture in the paper. Once, sitting as judge, he had sentenced himself to the County Jail for three days for violating a traffic law.

I knew that he had praised Mussolini and was sorry that Roosevelt hadn't done what Hearst and John Foster Dulles advised . . . supported Hitler and Mussolini against the Soviet Union. In my possession was a letter in which he praised the fascist regime in Italy in 1926.

It was pretty obvious that his personality was badly twisted and he had had a nervous breakdown once before. When thirteen of the fourteen judges in Allegheny County lined up against him, he had cracked up.

Utterly unprincipled, deceitful, he did not hesitate to go along with anyone in politics to secure some temporary gain. He was shallow intellectually, even though he pretended to be a man of cultural and literary taste.

But for all that, I knew that he was dangerous. First, he was still an unexposed McCarthyite in the Democratic Party with a "pro-labor" past; the people who would see through him in time hadn't done so yet. Second, he had the support of the presiding judge who would let him shoot off his mouth, and the press and radio reporters sat there ready to broadcast his lies to the world outside.

It wouldn't be enough to call him a fool and a clown. I knew that he was the local spearhead of the pro-fascists who were using the Red issue for more sinister purposes than this trial. Musmanno was in league with those who tried to frame Hyman Schlesinger, to frighten the local Bar.

I had gone over these matters prior to the trial, read his books and combed the newspapers. But how does a layman go about cross-examining anyone—and a judge of the Supreme Court, at that?

I asked him why he went to the Communist Party offices in July, 1950.

He said, "To buy literature."

Did he have any trouble buying it? "

"No," he finally said, after a long wrangle to extract this simple answer.

Did he or did he not know that the Communist Party offices were across the street from the courthouse for eight years?

It took nearly a half hour to get a simple "Yes."

He called the offices a "secret hideout" but after another twenty minutes, he finally admitted, "No, it wasn't secret."

Did he experience any difficulty in purchasing any books he wanted?

He answered after another long wrangle—even Judge No. I had to step in and say that "the answer the witness gave indicated he had no difficulty in getting whatever he wanted."

To my question, "Did you find any weapons in the Communist Party office?" he answered: "Yes, the place was filled with weapons, *because I regard these books as weapons.*"

While I objected to this answer, I was glad that the witness was rising to the bait.

Q. "Just a minute, what do we understand by 'weapons'?"

A. "Weapons are articles which commit harm and damage upon others and *I regard these books as far more dangerous than any fire-arms!*"

After another long argument, in which I had to put about fifteen questions, he finally answered: "There were no fire-arms that I saw."

Then I demanded to know if it had been his practice in the past to execute arrests and to conduct seizures personally. (He had sworn out the warrant as a "private citizen"—a procedure permitted under the Sedition Act.) Judge No. II objected, Judge No. I sustained, and it became difficult to get a straight answer. But again, after some time, the witness admitted that he hadn't done this at any time in the past.

How Judge No. I tried to protect Judge No. III may be seen from the record:

Mr. Nelson: "So, in all the years the local authorities, the police, the sheriff, and State Police handled such matters without your

interference, but now it had to be done with your physically being present?"

Mr. Lewis: "I object."

The Court: "Objection sustained. . . . I think that is a little unfair." (Unfair!)

By now I felt I could go on to some questions that would expose Musmanno's fascist ideas and associations.

I asked whether he hadn't gone to fascist Italy to study law. Couldn't he study law in the USA? Weren't there good enough law schools here? What would one think of an individual who left the USA to go to Germany to study anything while Hitler was in power?

Judge No. II objected.

Judge No. I sustained.

Judge No. III was getting sick—he did not like this line of questioning. But I persisted.

Judge No. I came out again and again to sidetrack me and to shut me up:

The Court: "Now wait a minute. I am not going to get into the trial of Mussolini or Hitler or . . . any philosophy concerning them or what the situation was in these countries."

I insisted that this was a trial of my political ideas and that I had a very important point to bring out:

Mr. Nelson: "But I can't do it if these restrictions are placed on me. . . . My conviction is that he picked up the fascist bug when he was in Italy and now he is beginning to spread that same bug in the USA."

The witness pleaded for protection while I demanded that he be treated like any other witness. By the look on the faces of the three judges, I was sure that my questions were hitting their mark. Several of the jurors seemed pleased though some appeared hurt. I managed to come back to the subject of the witness' law studies in Rome, and asked him a score of questions about his activities in Italy. When I tried to get him to speak out against the fascist regime he hedged and hedged. Had he had any difficulty with the fascist police in getting permits to move about? No. Did he have any trouble getting a visa? No. Nor had he had any trouble attending Mussolini's Chamber of Deputies. He had moved around freely—no trouble whatever.

Q. "Can you name any prominent opponents of Mussolini who

were able to attend those sessions?

A. "Yes, all newspapers that were opposed to Mussolini were represented. They got in. In fact, wrote articles daily on what happened in the Chamber of Deputies."

When I saw that he was swallowing the hook, line and sinker, I went on:

Q. "It is a fact, is it not, Mr. Musmanno, that shortly before you came there, Matteoti, the Socialist deputy, was murdered—and that opponents of fascism couldn't attend such fascist bodies and functions; isn't that true?"

A. "No, it isn't true. Matteoti was abducted and killed in 1924. . . ."

Q. "Is it true, or is it not, Mr. Musmanno, that at that time a prominent opponent of Mussolini's regime by the name of Netti was in a prison fortress of Mussolini's on the Island of Lepari?"

Objection—Sustained.

Q. "The opponents of the fascist regime were being thrown in prisons, but you had no difficulty getting in there, did you, at these sessions of the fascist regime?"

A. "I had no difficulty . . ."

Q. "That was at the time when the fascist regime knew that you made a speech 'damning' Mussolini but which never saw the light of day until seventeen years later, which came out in the United States government occupation paper known as *Amgot* in which you were a top official?"

A. "Is that a question or a speech?"

Judge No. II objects.

Q. "Well, you understand what I mean. If you don't I will re-frame the question."

A sore subject with the three judges was the letter which came out while Musmanno was an occupation official and which he planted later in a Greensburg, Pennsylvania, paper.

Q. "Now, Mr. Witness, when you came back to the USA, not while you were in the University of Rome . . . a letter appeared in the *Pittsburgh Press* in February, 1926 . . . In this letter the man did not sign his name, just X.Y.Z., and he stated the following: 'I am indeed surprised at the ignorance among the Americans concerning Mussolini's regime in Italy. . . . The true function of a police system, to protect the citizens from violence, has been

neglected. Any person, according to the high-handed methods of Mussolini, may be arrested on any charge whatever; detained in jail for any length of time, without the right of habeas corpus, and later dismissed without an apology. Mussolini has openly declared that all his opponents deserve the *bustonoto*. Let us see what a terrible ordeal the *bustonoto* really is. The accused is first arrested on a breach of free speech. He is then placed in charge of a specially trained officer. This officer, through several weeks of practice, has developed an accurate aim by hurling a bludgeon at the jaws of a "dummy." The *bustonoto* simply means that a human being replaces the dummy. . . .

"Now in reply to this letter, Mr. Musmanno, is it or is it not true that you wrote an answer and that was after you stated here on the witness stand that you made a speech against the Mussolini regime? . . . You wrote a letter answering X.Y.Z. in which you defended the fascist regime?"

This letter by Musmanno appeared in the *Pittsburgh Press* February 20, 1926:

"Light is turned on Mussolini in Italy. Editor of *Press*! The Statement by X.Y.Z. in the *Press* February 17th reveals as much knowledge of Italian affairs as his signature reveals his identity. I know the speech that XYZ refers to as I was in the Chamber of Deputies on January 5, 1925. . . . Mussolini that day emphatically denied the existence of Cheka in Italy. What he did accept was the full moral, historical and political responsibility for the revolution of 1922 which had nothing to do with the Cheka, but which was simply turning out, without bloodshed, of the old government and the installing of the new. This revolution succeeded the heroic work of the Fascisti, the heroic work of the Fascisti in driving Bolshevism from the country when the Fascisti began their purification of Italian soil. . . . After Bolshevism had been crushed, Mussolini gave strict orders for cessation of violence and such violence which occurred since was severely punished."

Q. "You wrote this letter?"

He finally admitted it, but it took pages of court record to get it down in black and white. He fought and wriggled and grew insulting. Everything in the letter was justified by him on the grounds that the fascists were good because they fought Communism. My attempts to expose him were hampered by Judges I and

II, who were doing their best to extricate him and protect him.

But in spite of the legalistic blockade, I pressed him:

Q. "Now, who were these young men you talked about in this letter? Weren't they Fascisti, the very people who became the core of the Italian Army and Police and the very people who destroyed democracy in Italy, broke up the trade unions, and weren't they the very people who declared war on Ethiopia and on democratic Spain and on the USA? Weren't those the young people you are talking about with such pride?"

A. "Those were the young men that I spoke a word of commendation for . . ."

Q. "Those were the guys . . . who threw workers out of the shops, while they had been on sitdown strikes, when that was the only recourse the workers had to better their conditions?"

A. "The young men who I commended and I am happy that I did so were those . . ."

Q. "You are happy that you did so?"

Here again the three judges ganged up. Judge No. II made objections; Judge No. I sustained them. Judge No. III managed to make a long-winded speech. In it he praised the fascists for kicking the workers out of the shops and for "saving Italy from Bolshevism." He had gone so far out on a limb, I tried to saw it off:

Q. "Did you know of instances here in the Pittsburgh area when striking workers were called 'Reds' by the employers?"

Objection—Sustained.

Q. "You do know, don't you, of many instances when workers went out to organize a union and fought for better conditions, right here under our noses where we could see what was happening and they were called Reds?"

Musmanno's response was that he wouldn't have any particular knowledge about this except what he read in the papers and that he "had no responsibility for what the employer called his employees."

Q. "Well, I didn't hold you responsible, Mr. Witness, for what the Mussolini regime did, but you seem to have had opinions on that question. How come?"

And again:

Q. "You don't want to make a comment on the question I

put to you, that often employers in order to prejudice the public against strikers call them various names, Reds, foreigners, bolsheviks. They will even say, as you did on the stand here today, that they are unwashed, dirty; isn't it a fact that employers will do that?"

Objection. (But the question is recorded, with no reply.)

Q. "We have often seen the newspapers referring to workers on strike in very inappropriate terms. It could have been, Mr. Witness, could it not, that the Italian workers were seeking a little more of good things of life—an increase in wages and the employers became adamant, and the only thing the workers could do was to sit it out in the factories for the purpose of compelling the employers to talk terms; could that have been the case?"

(This line of questioning was soon stopped. Musmanno tried to turn the Italian workers' struggles of the early 20s into a "revolution ordered by Stalin under his control. . . .")

I went back to the time he had studied in the University of Rome. My "legal advisers," during the recess in the marble corridors, urged me to keep at it. Though some wanted more questions relating to his anti-trade-union record of that period, others wanted me to go after his fascist views.

Q. "Now to get back to the time you studied Roman law . . ." Here he broke in, with a painful expression: "Do you need to sneer each time you say 'Roman law'?"

Q. "I am kind of suspicious about a person who studies it in a fascist-controlled university. Can anyone blame me if I am a bit sarcastic . . . ?"

I pressed him for an answer: wasn't the Rome university controlled by the fascists at that time? He admitted after a prolonged argument that "it was controlled by the Italian government" but he wouldn't admit to the fascist control:

A. "Yes, that is true, but you could say every house was a fascist house because it happened to be there at the time Mussolini was in power, the streets were fascist streets, the air was fascist air, the moon was a fascist moon, that is your argument carried to its conclusion."

Believe it or not, this answer was ordered stricken by Judge No. I, but only after he had admonished me. He said that it was up to the jurors to determine what kind of a school the Rome university was.

I asked Musmanno whether he had a degree from the fascist university. Oh, yes, he did, indeed, he worked very hard for it and was proud of it.

Didn't he ever think of returning it, as others returned medals and decorations to Hitler and Mussolini? He said, "No," with a fury that suggested he was ready for a straitjacket.

He looked to the two other judges for help, and was obviously displeased at Lewis' slow-wittedness. Cercone, who sat behind Lewis, was urging Lewis to make objections but the latter didn't move. There were times when I felt that Lewis was deliberately slow, especially when the testimony didn't amount to much as far as the general case was concerned and Musmanno could be left dangling on the hook a little while.

Now I moved to the subject of books the witness had written. Here again I wanted to expose his pretense that he was a defender of democracy. I asked him how many books he had written, and he said seven. Did he in any of those books criticize the fascist regime of Hitler and Mussolini or fascism generally? He "never had occasion to discuss it in those books."

Was he able to purchase or read books which he had introduced here as exhibits—like the *Communist Manifesto*, Exhibit No. 15, for example—while he was in Italy?

He tried to dodge the answer by saying he was in Italy more than once—in 1924 and 1925 when he studied and later during the Second World War when he had become military governor of a province.

Q. "All right. I mean when you were studying Roman law, during the fascist regime, were you able to buy this book [I held the *Communist Manifesto* up to his face] anywhere in Italy freely?"

After a long argument, he said he didn't know, he wasn't certain, but he would venture a guess that "they were illegal."

Q. "In other words, these books were illegal and anyone possessing them, if caught, would have been thrown in jail?"

A. "Well, now, you are merely speculating."

Q. "I'm asking you the question."

A. "I don't know."

Q. "All right. Your answer is, you don't know."

A. "Very well. That is right."

Q. "But in all democratic countries, where there is freedom,

these books are available and people have the right to possess them and have the right to read them—right?”

A. “I think the United States is a democratic country, the most democratic country in the world.”

It was a cute piece of ducking—his cronies evidently thought he had put a good one over on me.

Q. “That is not an answer to my question. [Judge No. I sat smugly, making no effort to order the witness to answer responsibly, something every hack squire knows to do.] When I spoke of the democratic countries, I meant England, France, Italy, today, now, aren’t these books legal and available to the people, or are they illegal?”

A. “I haven’t been to England and France and Italy for some time . . . so I can’t testify.”

Q. “Then you wouldn’t venture to answer that?”

A. “No. I wouldn’t venture to answer.”

Q. “Would your contention be that they are illegal?”

A. “Well, how can I contend about something of which I have no knowledge?”

Q. “I believe you were in Germany somewhere about 1945-1947. Right?”

A. “Yes.”

Q. “Now, from your own knowledge—what happened with these books like the *Communist Manifesto* when you were in Germany?—were they legal, or could they be read and bought in Nazi Germany?”

A. “What period are you referring to?”

I laughed, looked back at the audience. A class of high school students was sitting and listening intently. The workers and my friends sat on the edges of their seats. I could see old Pat sneering at the witness’ stupid attempt to evade the question. However, I didn’t hurry. I let it sink in and then—

Q. “Before the American Army got into Germany, before the defeat of the Nazis?”

A. “Well, I wasn’t there. How can I testify to . . .” (He stopped there; then he mumbled something; his usually loud voice ended weakly.)

I asked him rather ironically: “Well, what do you think?”

Judge II objects.

Judge I sustains.

Q. "Well, what do you know . . . ?"

A. "I wouldn't want to say what I think when I am talking to you, Mr. Nelson."

I thought to myself, the feeling is mutual; but I didn't press him on that for the moment. I went on to the subject of legislative activity and bills that the witness claimed to have sponsored. On the stand he bragged about introducing his bill to outlaw the Communist Party into the State Legislature and offering similar bills at an American Legion convention—he had fought communism for many years. . . . I let him go on with this for a while, and then put a question:

Q. "All right. Did you at any time that you have been a legislator, judge or politician, introduce a bill to outlaw the Nazi Bund, or the KKK, or the Fascisti in this country?"

A. "All right now." (He stopped and looked at Judge No. II as if to say "Object!")

Judge No. II finally did object; Judge No. I sustained it. They said my question was "too general." I was watching the jurors and thought that some of them were realizing the reason for the three judges' stall. I went on:

Q. "At the time you were in the legislature in 1928-31, did you introduce a bill to outlaw the KKK which was then active in the State of Pennsylvania?"

Judge II objected; Judge I sustained.

But it seemed that Judge No. I was worried about having shut me off so crudely. He himself asked: "Did you introduce a bill to outlaw the KKK while you were a legislator?"

A. "No. I introduced no such bill."

After a series of questions, he admitted that he did not introduce bills against the Nazi Bund, the Fascists, or the Klan. The record clearly shows this (pages 880-882); but it can't show the sick look on the witness' face when I wrung those answers from him. Here was a demagogue who professed to be a "great democrat," shown up as a friend of fascism in Italy, and one who had done nothing here to curb the Nazi Bund or the Klan. I felt sure he was glad that he was already on the Supreme Court, elected by default, and didn't have to face a campaign with his dirty brown-stained shirt beginning to show.

Cercone kept pulling Lewis by the sleeve; "Object, object — that's immaterial and irrelevant," he would say into the prosecutor's ear, loudly enough for me and the jury to hear. But either Lewis was slow on the uptake or his mind was on the preparation for his banquets and the figure he would cut in his black silk robe, which he had brought to court with him that morning. However, when he did wake up to make an objection, it was sustained by Montgomery before it was even out of his mouth.

Montgomery was pressing to end the cross-examination by the date of Musmanno's inauguration in the Supreme Court and the banquet. The day before the banquet Montgomery wanted to hold night sessions in order to finish up and to save his friend embarrassment. I told him that I could not go for such a plan, that what was important was my rights and since it was he who participated in this frame-up and compelled me to try the case without a lawyer, he was responsible for the mess. Well, he wanted to know, how much more had I to examine the witness on? I told him I had quite a bit more. Well, but I was going after him too extensively. I answered that it wasn't my fault the witness refused to answer questions and resorted to stump speeches; it was up to the Court to see that he answered questions responsively. As an example of the judge's help to the prosecution, I cited the dodging and ducking on the question: "Who appointed the trial judge for this case?"

This question took up a lot of time. In fact, I brought it up four different times. It covers at least fifty pages of trial record and if any jurors or higher courts wanted to know who appointed Montgomery, they couldn't find out from Musmanno's testimony and Montgomery's "explanations." I knew I couldn't get these two to admit the simple truth, that Musmanno appointed Montgomery. So I came back to the question whenever I had to gain time—and when I really wanted to twist the liar's tail. I enjoyed seeing these two do fancy legal footwork to cover up their lie; they could do it with a straight face. On such occasions, all I had to say was, "I still don't know who appointed the trial judge," and the two would go on and on "explaining," while every intelligent and decent person in the courtroom laughed.

On one occasion, this argument ended up like this:

Q. "Do you know who assigned the trial judge in this case?"

Answer Yes or No."

Objection.

Q. "When I say 'who,' I mean what individual?"

A. "I have told you the manner in which cases are assigned."

Q. "Is your reason for refusing to make this clear because you had something to do with it?" (Same vague but involved answer.)

Q. "Otherwise, you would have had to be the trial judge yourself?"

A. "How could I be trial judge and witness?"

Q. "You manage to be both pretty well!"

A. "You manage to make yourself ridiculous by questions of this character."

Q. "But I am not a Supreme Court judge. I hate to say what an addition you are going to make to the State Supreme Court."

The Witness: "Now, if the Court please, I ask for protection . . . I would ask that he apologize for his remark."

Mr. Nelson: "Apologize to you?"

The Court: "I know what I can do with the witness and I know what I can do to the defendant, too."

At that point I turned to the presiding judge and said, "You threatened me several times, but you haven't threatened him!"

Of course, I didn't expect the founder of the ABC and one of its incorporating officers to help me. His job was to frame me. Yet I knew there were people who didn't see through him and through these thought-control trials. My job was to expose the whole business.

Occasionally Montgomery would sustain my objection—on the record he would appear to be "fair." But where it really mattered, he would note my objections but overrule them. "I will overrule your motion or objection and will note your objection," he would say. More hocus-pocus. To me it seemed like saying, "I'll cut your throat, but later if you wish to sew it up, I'll grant you that right." Every time Montgomery did that, I could have spit in his face but I had to accept the same fakery and even call him "your honor."

The night of the banquet, I again brought up the Rome university period of Musmanno's, rubbing salt in the wound. The witness yelled and squirmed. Lewis, more alert than usual, made his

objections. (Montgomery had commented, "I can't make rulings if you do not make objections.") Musmanno was grinding his teeth because the *Amgot*-published letter came up for an airing. Lewis objected to it—"repetitious"—and Montgomery sustained him. Nevertheless I kept on pressing the egomaniac and he couldn't wiggle his way out.

At one point I asked, "Were you ever treated for a nervous disorder?" but the prosecutor and Montgomery hurried to block me. I had in my pocket the famous "chicken letter" that Musmanno had written from the hospital in 1937 to Judge Thomas M. Marshall, one of thirteen judges of the Common Pleas Court who removed Musmanno as presiding judge of the Criminal Court because of the latter's wild, publicity-seeking conduct in his campaign against drunken drivers. While I was prevented from reading the letter in court, I am glad to present it here, somewhat abridged for reasons of space:

"On two occasions recently you have sent me a chicken and a dozen of eggs. You probably did this unthinkingly, not knowing the effect it would have on my feelings. Nonetheless I did not want to wound your sensibilities. Accordingly I refrained from returning the gift to you, as in justice I should. I did not eat or touch these chickens and eggs. In fact I did not even see them. I immediately ordered them delivered to a needy family in the neighborhood and this was done. But on each occasion I was so upset by the amazing thing that I determined in order to avoid a repetition of the thoughtless insult, I would let you know the truth. After what you have done to me I cannot understand how you expected me to eat (even if I were eating) anything you might send to me.

"So that there may be no doubt in your mind about my feelings in the matter, I am sending you today two chickens and two dozen of eggs. With them I am sending you a copy of the nefarious so-called 'court order' of February 3, 1937. I want to invite to your attention the granite and unshakable fact that your gifts and the 'court order' cannot stand together. Either you meant what you said on February 3, in which event I am unworthy of your friendship and regard and much less your gifts, or you mean your gifts of today to bespeak sincere friendship which naturally rescinds your participation in the ignoble 'order' referred to. If the latter be

true, I want some evidence of it more convincing than the presentation of a couple of dollars' worth of poultry. On February 3, you and your brother vultures tore out my heart, and all the chickens and eggs in chickendom will not fill the cavity in my chest. One cannot soar to health on the wings of a chicken; but the golden egg of true brotherly love is the food that will lift even the paralytic from his bed.

"It is not two months since I have been ill and, despite all types of medication and treatment, I am still sick. Self-diagnosis convinces me the illness is more than can be found by the physician's probe. I have been ill before, but never had the difficulty which, at present, seems to prevent me from getting a foothold on the ladder of recuperation. It all goes back to the dagger thrust of January 28. Treachery on the part of friends is sharper and cuts deeper than any sword or piniard. Honor to me is more important than position, office, or bread.

"When my colleagues endeavored to discredit me before the people, they sought to destroy me, because if I was the caliber of judge they painted, I was not fit to sit on the bench. All of that had an effect on my health in a way I am only now fully realizing. I had just gone through five months of the most incessant, tedious, and nerve-wracking toil in Criminal Court. My body, my nerves, needed a rest. Instead, I was compelled to leap into the most soul-tearing emotional fight in my life.

"I had to defend what I assumed was taken for granted, namely, the integrity and rectitude of my judicial work. I had to fight thirteen daggers wielded by men I had always respected and admired, and many of whom I had personally helped. I had to repulse thirteen blades that were being thrust forward by men I had regarded as close personal friends. Caesar had one Brutus, I had thirteen. The drain on my nerve reservoir was terrific. The body is not made of brass nor the heart of stone. And this is the result.

"And you participated in all this. There was a time when you had no more devoted friend than I. And yet, with no harm done to you, with no harm done to the courts, the cause of justice, nor to anyone, you added your knife to the mob of character assassins. You were one of the thirteen moral lynchers, ready to burn me at the stake. And now you expect me to eat your chickens and

forget that you voted not only for my moral decapitation, but denied me even the right to speak in my defense, a privilege guaranteed and pledged with blood in the Constitution, which judges are supposed to protect.

"Considering what you did, I would strangle on any food you might prepare for me. How lightly you treat a matter of supreme principle and honor. Disembowel a man and then send him chicken gizzards for a substitute, and all will be well!

"Several days and much energy on my part have been required to write this letter but it was necessary. I did not want any more of your chickens to come around pecking at my vitals. I write this letter to you because you have given me the occasion, but do not think that I single you out as being more culpable. The entire thirteen must share an equal responsibility. . . .

"In striking down a brother judge and a devoted friend, they acted without legal cause, without excuse and without Christian justification. Their act was as unnecessary as it was unprovoked; as heart-shattering as it was unanticipated. It was base, vile, perfidious, contemptible. And until they repudiate that dastardly episode, they shall have my respect as judges, but not as men.

"And now, wishing you good health, I am

Respectfully yours,

M. A. Musmanno."

Need I comment on this? I'll let you judge this man.

The banquet held that night was accompanied by a lot of fanfare. Federal Judge Gurley, who appointed the judges for the local Smith Act trial, was on hand to make the main oration. He nominated Musmanno for the Presidency of the United States!

Next day, Musmanno sat in the witness chair looking sick. A Communist worker, not a lawyer, was going to continue cross-examining a Supreme Court judge. I had squeezed about all I could out of this dry lemon, but I wasn't going to let him go without exposing him to a few more people. One thing I did want to bring out—a score of cases in which he was shown to be wrong by the very court he had entered last night.

Did he not keep a person by the name of Alice Roth from being a grand juror because she was supposed to be a Communist?

He admitted he did.

Did he know his action was illegal? Didn't the Supreme Court reverse him on this?

He made a weak comment—that he was "overruled."

Didn't he resort to the use of padlock against the Communist Party headquarters illegally? Didn't he set my bail at \$100,000 when he had me arrested and the higher court had brought it down to \$10,000? Didn't the Supreme Court upset him on this too?

Yes, they had reversed his decision.

Didn't he illegally arrest Attorney Hyman Schlesinger and have him thrown in jail and didn't the Supreme Court slap him down?

Yes, he was overruled.

"Didn't the Bar Association condemn your illegal and unethical conduct?"

After squirming, he admitted that they passed a resolution against him.

"Didn't you connive with Judge Gunther and Harry Alan Sherman, a fellow-incorporator of the ABC who opposed Negroes moving into new areas of the city?"

He "didn't know about that."

When I finally said, "No more questions," the prosecution and the three judges were visibly pleased. Judge Montgomery even granted a long recess.

25. *"Use Your Finger—The Tool of Your Trade"*

Three of the judges in the conspiracy against me, Musmanno, Lewis and Rahauser, had been elevated to respectable judicial positions, and cut their open connection with the trial. The fourth, Montgomery, remained to carry on their ax-work. But he wasn't alone. James A. Malone, the lawyer of the Pennsylvania manufacturers and of Westinghouse (Mellon Co.), took over his duties as the District Attorney. Up to now the Mellons had been hidden in the background of the conspiracy, but this morning, Malone—whose law firm had been handling the Westinghouse compensation claims for years, chiseling workers out of money due them—moved to the third floor of the County courthouse, a few doors

away from Courtroom No. 8. Now he took an open hand in the proceedings.

Montgomery and Malone got along very nicely, the judge "yes-sirring" and Malone "your honoring." After the first official piece of business was finished, Malone settled down in the seat next to Cercone.

"Are you ready to proceed with your witness?"

"Yes, your Honor," answered Cercone. "May I go over and get him? He is in the DA's office waiting for me now."

A ten-minute break was granted. The crowd filed out to the corridor. Old Pat reminisced to us about the trial of the 1892 Homestead strikers, which had taken place in this very courtroom. He recited the speech that Irwin, the steelworkers' lawyer, had made justifying the workers' action in repelling the scabs that the Pinkertons had led into the Homestead mill. "And my God," said Pat, "they were all freed!"

"Court," said the tipstaff. As the crowd settled down, the judge eyed the clock, adjusted his robe, and tapped his fingers on the bench. The door opened and a man entered—a tall man with a small head, tiny eyes, and a fool's grin. He walked with long shuffling steps, his ape-like arms hanging loosely, swinging at his sides. Without waiting to be told, he marched straight to the witness chair leaving his brief case in care of Becker, the detective who took care of the stools.

The witness slouched deep in his seat, wrapping his long arms around his knees. "Good morning," he said in a sing-song voice. Then he turned, bowed to the judge and sang out, "Good morning, your Honor." He gave his name: Paul Crouch.

The prosecutor lost no time putting the questions.

"Do you know the defendant . . . ?"

"Yes," answered the witness, stretching his turtle-like neck and pointing his chin in my direction. Since pointing with the head doesn't show in the record, the prosecutor rephrased the question.

"Where do you see the defendant?"

The witness made another effort, stretching his neck still further, but at that point I interrupted:

"Mr. Stoolpigeon—why don't you use your finger, the tool of your trade?"

He blinked his little eyes, pleading for protection from the

Court and the judge came to the rescue. Cercone referred to my interjection as a "political speech which Communists are taught to use in the courtroom to spread their propaganda." To which I replied:

"You are using the court room to get yourself a political advancement, perhaps a judgeship, just as your uncle did to get to the State Supreme Court."

The crowd in the courtroom laughed at the exchange, and Cercone remarked that the defendant was "putting on a show for his friends in the courtroom who have packed the place this morning." The judge quickly called a recess—"till you gentlemen quiet down"—and stalked out to his chambers in a huff.

I welcomed these breaks because I was not well and needed rest, also because the corridor was where we had our "legal conferences." The coal-miner, who was a constant attendant at the trial, said, "Give it to them when you get back in there." Pat saw to it that I didn't waste any time with people who would give "useless advice." Margaret laughed at the way Pat, eighty-four years old, protected me. "Look at the fat boy in the pullover army sweater from Canonsburg standing there again . . . trying to pick up some information for the prosecution." Pat walked up to him. "Go on, you ignorant ass,"—and stamped his feet. The 225-pound disciple of Musmanno actually ran when Old Pat told him to scram! This overstuffed bully was much braver around my children, to whom he had made such remarks as: "You'll be seeing your old man hanging before this is over."

Back in court, the sallow-faced stoolpigeon was in the chair waiting. He slouched—even his neck was pulled back into his bulk. His specks of eyes were glued on some object on the ceiling, but the madman's grin was still spread over his face. The prosecutor dived into his "presentation of testimony."

"Did you ever see this book—marked Government Exhibit No.—?"

"Yes sir, I did."

"And where did you see this book? . . ."

"In the defendant's office in Oakland, California. . . ."

"And did you ever see him use this book? . . ."

"Oh yes sir—hundreds of times."

"And how was it used? Will you please tell . . . ?"

"He quoted from page —."

"Is the exhibit marked?" inquired the judge, adding his bit to the solemnity of the occasion.

"Yes, sir, I did, sir. I marked it and put a paper clip on the page," sang the stoolpigeon, drooling at the mouth.

For a full day this went on, prosecutor and witness identifying various Marxist books and "tying me in" with each one. To speed up the process, the prosecutor introduced the books in 200 lots and by bundles and boxes. Finally Montgomery looked at the clock and said, "It's almost 4 P.M., Mr. Cercone, are you about through with this witness?" Cercone answered that he had "just one more box of books to introduce and maybe a few the next morning." The court adjourned for the night. Newspapermen ran to the telephone to send in their "hot" copy and the last edition came out with columns devoted to Crouch's "testimony." Bill Burns, a radio and TV commentator, who, along with the four judges, had founded the local ABC, devoted his whole program to Crouch.

That night, as I was preparing my questions for cross-examination, I thought about the alertness of workers in Oakland, California, who had caught on to Crouch. They had demanded that he be removed from his post in the Communist Party because he proposed policies deliberately designed to cause a fight at a street meeting. At the membership meeting a number of other questions were raised about him. People complained that he sat around in bars, playing the juke box and drinking wine—usually sitting alone and staring at the walls. When someone came to get him, he would justify his stupor by remarking that he had serious personal problems at home. It was known that his son had been suffering from hemophilia and many people had given blood to save his life. So they tended to excuse his depression. However, after his provocative proposals in regard to the street meeting, he was promptly investigated and soon removed from his post by vote of a County membership meeting.

When the court opened the next morning the witness was again sitting in the chair, and the prosecutor said "Cross-examine!"

After a number of preliminary questions I asked him:

"At what age did you say you read Karl Marx's *Das Kapital*?"—walking up to the witness to take a close look at him. In his high-pitched voice, he answered, "I was ten and a half years old."

"You were ten and a half years old?" I mocked him, pitching my voice high, too.

"Yes," he insisted and added, "I also read Engels' *Anti-Duhring* at that time and Karl Marx's *Communist Manifesto*."

Every time I asked, "And what else did you read?" he would add the title of some important Marxist classic.

His vanity made me laugh inwardly. In all my previous knowledge of the man the only thing he had ever excelled in, so far as reading and study went, was his ability to recite a few figures from the *World Almanac*. In Party meetings his chief contribution was some vital statistics regarding the nationality composition of the city or county under discussion. But now, it seemed, he had had a great brain—he had been able to master Marx and Engels at ten or eleven.

"Mr. Witness, will you tell us—under what circumstances did you take your job operating a Varitype machine on a Miami, Florida, newspaper?"

The witness squirmed. First he said he had never heard of such a machine; later he thought that IBM manufactured such machines; still later it turned out he "wrote one letter on it."

"Mr. Witness, isn't it a fact that Varitype machines are used by newspapers, especially during strikes when the employers are attempting to break the typographical union?"

"I wouldn't know about that," he answered with his doltish grin.

"Mr. Witness, as a matter of fact you took a job operating a Varitype machine on a Miami newspaper during a newspaper strike, isn't that a fact?"

He squirmed again and waved the flag for nearly an hour. Finally the judge said, "Mr. Nelson, he had admitted that."

"Your honor, if the witness would answer these questions instead of waving the flag I would have been through with this line of questions long ago."

I moved to the next point:

"Mr. Stoolpigeon, isn't it a fact that when you got through scabbing on the Miami *Herald* you were hired by the West Coast Waterfront Employers Association to testify against Harry Bridges?"

"Mr. Stoolie, isn't it a fact that you testified against Bridges even though you never saw the man and had nothing to do with him, according to your own testimony at another hearing, where

you were under oath? I demand that you answer 'Yes' or 'No,' Mr. Stoolie."

The witness rose to his feet, turned to the judge, and screamed: "Your honor, this defendant is insulting me. I won't stand for that. He is calling me a stoolpigeon."

I stepped up close to him. "Just answer the questions, Mr. Stoolpigeon. Isn't that the name of your trade?"

Cercone broke in, "I object to these political speeches by the defendant."

The judge, his face pale, his lips tightly drawn, said to me: "I won't allow you to go into these matters any further. You have gone into the question of his alleged anti-labor activities. You will have to go on to something else."

"All right, Mr. Stoolpigeon, I don't believe we have it clearly stated on the record where you live at the present time."

Again the witness jumped to his feet, and demanded a side-bar conference with the judge and prosecutor. "I must explain my position to you, Your Honor," he cried hysterically. "I cannot divulge my address to these Communists. I just had to change apartments in Washington and it cost me a lot of money. If I divulge my address my life would be in danger from assassination by the defendant."

I jumped to my feet, too, protesting because the judge let the witness make such prejudicial remarks and I moved for a mistrial, which Montgomery promptly denied. The stoolie pleaded with the government for a recess because he "forgot to bring his pills from the hotel" and was not "feeling well."

Before the break for a recess I called for a side-bar conference. Once more I demanded that the judge grant a mistrial. I stated that the court was cooperating with the prosecution; that while I wasn't experienced in legal matters I knew that a remark like the one made by the witness that "He intended to kill me," would never be allowed in any court except this one, in which the judge himself was participating in an ugly conspiracy.

Both the prosecutor and the judge laughed my remarks off.

After recess Crouch sat staring at the ceiling as though he were hypnotized by a fly-speck there. He missed my first question and had to have it reread from the record.

"Mr. Stoolpigeon," I demanded, "what are you looking at the

ceiling for?" Craning my neck, I looked up at the same spot, as did everyone else in the courtroom; then I turned to the witness and shouted: "What's the matter, Mr. Stoolie, can't you look me in the eye anymore?"

Everybody roared except the judge who spoke up rather sternly. "Now, now, Mr. Nelson."

Once more the witness jumped to his feet. "Your Honor, I can't go on any more, I am being subjected to all kinds of abuse by this defendant. If I had known that I would have to give my address and thereby endanger my life I would never have come here."

I again moved for a mistrial and as I did so, walked to the witness and asked if he knew of a single case of assassination in the entire time he was in the Communist Party of the United States? He had to admit that he had no such knowledge.

In the course of this cross-examination, I attempted to make plain to the jury that stoolpigeons are instruments in all frameup cases. Without stoolpigeons and people who are willing to say what the prosecution wants for the price, it would be impossible to get "testimony" in political trials. I showed how Crouch had testified in scores of cases against people about whom he knew nothing, according to his own admissions, because if he hadn't testified the way the prosecution wanted they would have found someone else to do the job.*

* In the summer of 1954, the record of Crouch's perjuries, confusions, and contradictions in testifying at numerous witch-hunt trials was so thoroughly analyzed by defense lawyers in the Jacob Burck deportation case that it looked as though the Department of Justice might be forced to get rid of its star stoolie. Mr. Crouch knows how to protect himself, however: according to the *New York Times* of July 9, 1954, he was asking for a congressional investigation of Attorney General Brownell—no less!—and warning that if Brownell took action against him, it might force "the reopening of about sixty hearings and trials in which he had been a principal witness."

The glaring and brazen character of Crouch's lies under oath was demonstrated at the Philadelphia Smith Act Trial where, under prompting by the Government prosecutor's question: "Now can you state at how many meetings you saw him (David Davis) from 1935 to 1941?" Crouch answered: "Not less than 3 to 4 times each year." The FBI stoolpigeon was not at all disconcerted when confronted, shortly after, by his own testimony given in 1949, in the trial of Harry Bridges where, to the question: "Now I will ask you if you know . . . David Davis," he had replied: "I don't know him . . . I had no knowledge of the existence of David Davis."

Crouch himself bragged about his service to the government in testifying against people. I went along with him on that by stating, "Yes, I know that is your job," and added, "I only want to show the jury that this man is a paid witness, a biased witness, that this is his job—just like a man who is hired to clean sewers." I was going to add that cleaning sewers is an honest job, but the prosecutor interrupted me and he and the judge closed this avenue of examination.

I confronted him with his testimony before an "Un-American Committee" hearing where he was asked the question, "Do you know Harry Bridges?" and he had answered, "Slightly." Yet, at this trial he testified that he knew Harry Bridges "very well" over a period of years. "Isn't it a fact, Mr. Witness," I asked, "that you conveniently got to know Harry Bridges when the Justice Department demanded that you testify against him?" He ducked that one. I followed up by asking, "Have you been paid for your testimony at this trial?" The prosecutor tried to block this inquiry but I insisted it was very pertinent because this man was a paid spy, a stoolpigeon, and he earns his money by spying on workers. "That is his job—his job is to finger people."

On this question, especially, the court protected him. I followed up with another: "What is your rate of pay for testifying against me here?" He hesitated for a long time; the prosecutor apparently forgot to object and I said, "What's the matter, Mr. Stoolpigeon, are you afraid to state your price? Are you fearful that somebody is trying to chisel in on you?"

He screamed at the top of his voice, "I would prefer not to be forced to act as though this was a burlesque." Then with a solemn face, he added, "I prefer to consider this a serious proceeding." The judge just as solemnly assured him, "Oh yes, we consider it so, Mr. Crouch," and I said: "I know it is a very serious proceeding, you are trying to take my life away, you lousy rat." The prosecutor and judge were highly offended.

I turned my questions to another line of attack: "In the course of your testifying throughout the country, give us the names of the men who were ordered deported to fascist countries like Spain, Greece, or Turkey where their lives would be taken away." Again there was a series of objections, but the witness himself insisted on answering; he stated that, "First of all, I regard Greece as a demo-

cratic country," and added that he "did not testify against citizens of democratic Turkey."

His willingness to lie was most vividly revealed in his testimony regarding William Rust, once the editor of the British *Daily Worker*.

Q. "I believe it was in your testimony yesterday, you testified that you knew a man by the name of William Rust?"

A. "Yes."

Q. "You testified that he was editor of the British *Daily Worker*, put out in London?"

A. "Yes."

Q. "How do you know he is editor of the British *Daily Worker*?"

A. "It is a matter of universal public knowledge."

Q. "Do you read the British *Daily Worker*?"

A. "From time to time I do."

Q. "I see. Well, to the best of your recollection, Mr. Witness, when is the last time you saw a copy of the paper?"

A. "There is nothing by which I can fix it precisely."

Q. "Was it within the last six months?"

A. "I don't recall."

Q. "Was it within a year?"

A. "Probably, I don't recall specifically."

Q. "Was it within two years?"

A. "I have seen the various copies from time to time. I don't recall at this moment any particular incident that would enable me to place the exact last time I have ever read articles by Mr. Rust, but on frequent occasions."

Q. "So you don't recall whether you have seen his name on a paper, although you read the British *Daily Worker* frequently?"

A. "It is a matter of relative frequency. Not so frequently as I read *La Vusta Mexico*."

Q. Have you seen it within the last two years, a copy of the *Daily Worker*?"

A. "In my opinion I have."

Q. "And do you know, Mr. Witness, that Mr. Rust has been dead for four years—did you know that?"

A. "No."

Q. "All right. That is how reliable your testimony is."

A. "He is frequently referred to as editor of the *Daily Worker* in quite recent publications I have seen."

Q. "You didn't know he was dead, huh? He was editor of the paper after he died?"

A. "He is referred to frequently . . ."

Q. "That is how reliable your testimony is, Mr. Witness."

Despite all the prosecution's efforts to help Crouch out of this predicament it became evident to everyone that their key stool had been caught in a brassy lie. By the facial expressions at the prosecutor's table they didn't feel so good. When I announced that I had no more questions for this stool, Montgomery and Cercone both showed their relief.

Crouch grabbed his large briefcase and dragged his shuffling feet. For the last time he put on his fool's grin as he turned to say goodbye to the judge and prosecutor.

26. *"Are You a Little Nervous, Mr. Witness?"*

During the break, following Crouch's departure, it did not require much guessing as to who would be the next stoolie, for my friends had noticed Matthew Cvetic, accompanied by a flunky, enter the DA's office.

Cvetic was looked upon with contempt by all progressives who knew him. He was one of the most characterless creatures they had ever seen around: a degenerate, a bar fly, who could sit for hours looking into the bottom of his beer glass at the William Penn bar—a place not frequented by workers. He liked to sit on the specially raised chair, to bring his scrawny stature up a few inches to average height. Those who knew him were aware of his utter shallowness and complete poverty of cultural tastes. He was pitied for his lack of capabilities and considered good enough to do odd jobs only. Now we saw him carrying a brief case! Old Pat's remark was: "That's where he carries his 'brain,'" but somebody corrected him. "That's where he carries someone else's brain, for which he collects the money."

I was just waiting to cross-examine this mental mediocrity. He wouldn't relish it, I thought, even though he had been rehearsed and trained like a parrot to say what the prosecutor wanted. In his

last months around the progressive movement, he had avoided me like a plague. He knew we were on to him. Aware that there was something fishy about him, we had started to track him down. One day I walked into the William Penn Hotel and waited on the floor where he roomed. He walked out of his room and ran smack into me.

"What are you doing here?" I asked. He was flustered and for a moment didn't know what to say. After he had turned all colors he managed to stammer, "Oh—I—we—had an insurance agents' briefing." That was the last time I saw him until he took the stand at the previous trial. The people masterminding his activity brought him out as a great FBI spy in the Communist Party.

The stoolie, a shifty-eyed, short man with an extra fifty pounds around his midriff, dressed in a gray suit and loud tie, sat in the witness chair wiping his face with a handkerchief although this was January. I made myself comfortable in the large, oak armchair. Margaret said, "At least you know what to expect from him. He spilled his guts at the previous trial. He can't say much that's different from what he said then."

"Yes, I bet he won't be on the stand very long."

We were correct. Cvetic, the key witness against me, and the only witness who testified to things permissible under the indictment, was through for the government in less than an hour and a half.

I proceeded to cross-examine.

While lining up various documents, I eyed the witness, enjoying the sight. He wiped his perspiring face, turned in the chair from one side to another, and tried to adjust his tie four or five times in a minute. I wondered where to begin the cross-examination since actually he had testified to very little, even according to this court's standards. His chief testimony against me concerned a Communist Party convention that took place in the Carnegie Library—a public place of course—which he referred to as a "secret meeting" where Communists had discussed "infiltration of basic industry." It was in fact a regular convention such as any trade union might have held. Another part of his testimony concerned an alleged statement by me that, "Now that we have the A-bomb they won't be in such goddam hurry to start a war." In another statement I was supposed to have said "that I didn't tell those

goddam bastards of the un-American Committee a thing." (Nixon, Wood, and Parnell Thomas had tried to frame me for contempt of Congress when I appeared before them several times in 1949-50.) And his final, key point concerned the use of Marxist books.

However, I saw no reason why I should start with these matters. It would be more effective, I felt, to show that this character was using his past connection with the Communist Party and his presumed knowledge of it for private gain. He had been made to appear like a hero by the press, radio, and even motion pictures, and it was important to show him up as a faker. I decided to itemize his anti-Communist activities, in each case adding up the amount of money he had earned by "head" or by "piece" work, as I referred to it at the time. (The judge and prosecutor, as well as the witness, were annoyed at my stooping to such "ungentlemanly" expressions in the courtroom.)

"How much money," I asked, had he gotten for the picture *I Was a Communist for the FBI* and the articles of the same title in the *Saturday Evening Post*? After hard pounding by me and attempted blocking by the prosecution and the judge, it was brought out he had received a total of \$18,000 for the articles and the motion picture rights. I commented, "That is a nice piece of change you made, Mr. Witness, selling your supposed information about the Communists. That is a good deal more than the \$18.00 a week you earned when you worked as a clerk, isn't it, Mr. Witness?" Of course, the prosecutor immediately objected and the judge sustained.

The witness blurted out apologetically, however, that this was not clear profit for him.

"Oh, no, that was not all clear profit. Whom did you split your spoils with?"

The judge admonished me that that was not a proper question—after all, he added, "This is a court of law."

I turned to the witness, "Tell us, who did you split this blood-money with?" That also was objected to, as "improper." However, I finally managed to get the admission that he had retained forty percent of the proceeds. Thirty percent had gone to the notorious Harry Alan Sherman, local vice-president of the ABC, and thirty percent to Peter Martin, who wrote the *Saturday Evening Post* articles.

Having established that, plus the fact that the witness was a woman-beater who had abandoned his children, I decided to go into the shoddiness of the merchandise he was selling.

"The story you sold to the *Saturday Evening Post*, and the motion picture you marketed with Warner Brothers bearing your name is based on falsehoods and lies, isn't that true, Mr. Witness?"

Objected to by the prosecutor and sustained by the judge.

"Isn't it true that the motion picture you sold to Warner Brothers depicts a murder supposedly done by myself?"

Objected to and sustained.

The judge then ordered me to a side-bar conference. He wanted to make me refrain from asking questions about the picture: "You have no right to go into these matters." He insisted that he "never even saw the picture," and the prosecutor said, "I didn't either." What difference did it make to me whether they had seen the picture or not? I wanted to show that the witness got paid for lying, which is what he was doing here also.

"Well," the judge proposed, "let it be stipulated in front of the jury that the movie is fictional to some extent." I demanded that it be stipulated instead "that the picture is based on untruths and lies." Montgomery argued with me: "Well, you have demonstrated that he capitalized on them, now what more do you want?" and I replied, "I want to show that this man will go to any extent and lie, that he is doing the same thing on the stand while he testifies." Then Montgomery threw out his rescue line: "No, he is not responsible for what the Warner Brothers did in making a picture—they make it interesting for the public to view . . . I assume they took a certain literary license." That "certain literary license" became the stoolie's life-saver for the rest of the afternoon. In spite of Montgomery's attempts to block my line of questioning and Cercone's constant objections that I was "making speeches," I insisted that the witness answer the question, "Did you ever see murder committed in the Communist Party?" and he finally, reluctantly said, "No, I did not."

A long debate with the judge developed over my contention that the story and the motion picture were based on falsehoods, and he argued "that . . . they are true in substance." I objected to that characterization and asked Cvetic, "How come you didn't put in your bit about murder in the *Saturday Evening Post* articles

Mr. Witness?" and again: "Is there anything in the *Saturday Evening Post* articles about murder, Mr. Witness?" He finally came through with the words, "No, sir." And he added, "I knew of no murders in Western Pennsylvania; if I did, I would have reported them to the police authorities."

"Well," I commented, "it took you a long time to admit that, but you didn't hesitate to sell a scenario to a movie company, for \$12,000, which inferred murder was committed by myself."

He answered apologetically that he did not write the scenario, to which I shot back, "But you got the cash! You told somebody, go ahead, write anything you want, give me \$12,000, that is all I want—isn't that true?"

The prosecutor's objection saved him from having to reply.

I asked him whether he hadn't fingered a number of steel workers at the Isabella furnace in Etna. The judge objected to my term "fingering." How, I inquired, could Cvetic's dirty work be dignified by any other name? And I said to the judge, "What is the matter, isn't the question clear, Your Honor?" Montgomery answered, "It is too clear, and that is the objection!"

Wasn't it true, I pressed the witness, that a Negro steel worker with twenty-eight years' service for U.S. Steel at Etna was fired as a result of his fingering? "How much did you get paid for getting that man fired?" "\$25.00" "\$25.00 a head?" I asked, and Montgomery said, "No, he said, \$25.00 for testifying against that man." I thanked the judge for this bit of help.

"Did you testify against a group of workers from Crucible Steel Company [a Mellon subsidiary]?"

"The Crucible Steel Company invited me to testify."

"How much did they pay you per head?"

Objection—sustained.

Had he testified against a glass worker? Against a coal miner, against a school teacher, a musician, against the foreign-born, against a mother on mother's assistance, against Hyman Schlesinger? Yes, he admitted all of it, plus. Had he been paid per head? Objection.

Just as I was winding up this series of questions, I noticed two men entering the courtroom, Robert Smith and Lester Peay; both of them, together with Doc Harry Truitt, had served ten months in the Workhouse at Blawnox on a frameup in which Cvetic was

a key stoolie. (One piece of testimony given to show Doc Truitt was a Red was that he had had Negro guests in his home!)

I walked up to the witness chair but looked toward Smith and Peay, and said, "Mr. Witness, do you notice anybody in the courtroom that you helped to frame on the basis of your lies? Do you see the innocent victims who had to spend ten months in the Workhouse because of your lying testimony?" All that was objected to by the prosecution, and the judge would have none of it. But everyone in the courtroom was craning his neck to see the two men I had just referred to. Peay and Smith gave the stoolie a cold stare, which this grimy individual couldn't take. The effect of being exposed as a company agent, together with the dramatic entrance of Smith and Peay, worked on the creature's nerves so that his voice was inaudible and he kept pleading with the judge, "I can't answer questions while this man is shouting at me."

To shake him up further, I shot at him, "What's the matter, are you a little nervous, Mr. Witness?" (The prosecutor wondered why I sneered when I said "Mr. Witness." I varied that by referring to him as a "fingerman" and a "professional patriot.") Before he could recover from these questions, I struck into another area: "When you testified before the un-American Activities Committee, in 1950, did you tell the committee anything about the supposed liquidation of one-third of the population of the United States?" He said, "No."

I confronted him with a report of that hearing: "On page 1256 you told the committee that ' . . . Steve Nelson said to me: "We are going to have the biggest liquidation of people's enemies in China since 1917." Is this what you testified to?"

"Yes, sir."

"But in your testimony in the trial of Dolsen and Onda, you had Dolsen saying that they are going to liquidate one-third of the population of Czechoslovakia? Is that what you testified to?"

"Yes, sir." "And in this trial . . . Mr. Witness, you testified here that I stated that there would be liquidation of one-third of the population of the United States? Is that what you testified to here?"

"Yes, sir."

"Do you tailor your testimony to fit the needs of the prosecution, Mr. Witness?" (Objection, sustained.)

I demanded to know why, when he was telling the un-American

Committee about my alleged wish to kill one-third of the Chinese population, didn't he also tell them of the alleged intent to kill off one-third of the *United States population*? Was it because he thought they were more concerned with what happened to one-third of the Chinese population? The witness visibly squirmed, as did the prosecutor and judge. To any decent person it was evident that Cvetic was weaving lies from his own evil needs.

After two days of being cross-examined, Mr. Cvetic got off the stand and left the courtroom in a distinctly dizzy condition.*

The prosecution ended its testimony with two other witnesses, Patterson and White. They were on for a short while, and testified to things that supposedly happened in the early 30's. I spent very little time on them, contenting myself with showing them up as Uncle Toms of the prosecution who would sell their mothers for \$36.00 a day.

Thus ended the government's legal case against me.

27. *My Witnesses*

No matter how many trials one has been through, or how similar they seem, each engenders its own suspense and anxiety. My second trial closely resembled the first—the same parade of government witnesses and their stools—yet when the prosecution said, "Commonwealth case is closed," I asked myself, "Is this all they are going to do?" And a sick feeling grew in my stomach as I thought, "With such people and such lies and fakery they want to take our rights and lives away."

But there was not time to think about that. A trial is like

* Subsequently, evidence that government stoolpigeon Matthew Cvetic was a mentally unstable alcoholic, revealed to have been a mental patient at the Psychiatric Division of St. Francis Hospital, in Pittsburgh, as recently as March 19, was submitted by the Western Pennsylvania Committee for Protection of the Foreign Born. Hospital records cited by the Committee showed Cvetic was first admitted on February 17, was discharged on March 5 and then readmitted March 19. Dr. W. J. Kelly, who examined the professional FBI informer on his first admission, reported "Patient is restless, agitated, has a suspicious attitude, seems afraid, admits drinking heavily of late, is admitted as a chronic alcoholic."

a tread-mill, never halting. When morning comes a tipstaff yells "court," and you have to be there and the show must go on. Time and time again I was sick; my broken leg gave me trouble. I didn't have enough rest. No doctor would "stick his neck out" by writing a note testifying to my physical condition, so I had to drag myself to the courtroom and be "ready" or else face "contempt." The contempt threat didn't worry me—I certainly had contempt for the fakers who had organized this frame-up—but I feared that confining me to jail during the trial might hamper preparations for my defense. So I kept my shirt on and went through the act. I was on time, and I was as ready as I could be each day.

I had had very little time to prepare my defense. Each day when court was over I had to work on my next day's material and motions and found no time to make out questions for witnesses or to go over documents and books. This inability to work personally with my witnesses worried me. However, this didn't mean that preparation didn't take place. On the contrary, many of my friends labored late into the night, getting things ready with a minimum of discussion with me.

The day arrived when my witnesses must take the stand. This time the prosecution was anxious. They searched the corridors and had FBI agents trail me and my friends. They wanted to find out who my witnesses would be. I suspected that my house was wired to record conversations. By now even 9 year old Bobby knew what the score was, and he would say, when we got a little careless, "Daddy, did you forget that the walls have ears?" "Yes, of course, that is right, Bobby," I would answer and then continue the conversation in writing. While we had no secrets as to our beliefs, we knew the FBI gestapo was waiting to pick up names.

My witness had sat in the courtroom several hours each day "just to get a feel of the atmosphere." But we did not even greet each other. He left me to work on his testimony till late hours. Finally we got to see each other the night before he was to take the stand, and went over the large amount of material he had prepared. I was sure that even if all the questions were not written out, we could present our case effectively.

That morning a stocky man of medium height, with square jaw, gray smiling eyes, and brown hair, walked into the courtroom with us and sat down beside me. The newsmen wanted to know

who he was, and one of them used his "friendship" with me—each day he greeted me, "Good morning, Steve"—to ask whether the fellow next to me was to be my witness. He said he wanted to phone his paper before the judge came in. I told him, "The judge is coming now."

"Mr. Nelson, are you ready?" asked the judge, leaning over the bench and craning his neck. His robe, his high chair, and his twisted cynical grin gave him a resemblance to the pompous king in *Alice in Wonderland*. He adjusted his glasses to have a better view of my witness—for he, too, was curious.

"Proceed," he said. "Call your witness."

The young man sitting next to me walked to the witness chair, and the clerk swore him in with his sing-song ritual, ending: "Do you, Herbert Aptheker, of New York City, swear to tell the truth, etc. . . ."

At the press table and throughout the courtroom there was a buzz of curiosity: "Who is he?"

Aptheker sat in the witness chair, looking over the jurors and the audience in the back of the courtroom. I noticed that he never looked at Cercone. The prosecutor obviously felt my witness' contempt for him—one could see that it was getting on Cercone's nerves. While Aptheker was giving his name, Cercone got up and asked, "How do you spell that?" and the witness spelled it without for a moment looking at his questioner, then turned to me without blinking an eye. Cercone sat down again and meaninglessly fingered a book.

When all the formal questions were answered—residence, age, etc.—it was brought out he had graduated from Columbia University in 1943 with a Ph.D. degree; that he had majored in American history and written many articles and books particularly on the Negro question; and that he was an associate editor of *Masses & Mainstream*, a national cultural magazine published in New York. While I was lining up his various books the judge spoke to him, addressing him as "Dr. Aptheker." I picked up the cue and from there on said "Dr. Aptheker" also, although it was a little difficult for me since in our preparation for the trial we had called each other Herb and Steve. Referring to him as "Dr" eventually got Cercone's goat. In an attempt to deprecate Aptheker at one point he turned to the jury, waved his hands, and said, "He is no doctor at all, ladies

and gentlemen, he is not a medical doctor." The audience in the courtroom laughed. I proceeded to read the titles of my witness' books, a very impressive record for a man just thirty-six years old.

Aptheker indicated that his studies had been interrupted by his service in World War II, when he joined the Army as a private, later rising in the ranks to the position of major by the conclusion of the war in Europe. He also stated to the court that he had joined the Communist party in 1939, and was proud of his membership.

Since I was on trial because I was a Communist, my witness and I were prepared to go into all necessary details about the Communist Party—what it is and what it stands for. But when I asked my very first question on this subject, "Why did you join the Communist Party?" the prosecution objected to the "why" and the Court sustained him.

Herb and I had agreed beforehand that we would not let ourselves wander all over the map, but would deal with the pertinent questions that must be met. Our aim was to expose the frameup and the prosecution's efforts to distort Marxism-Leninism, and to describe our own aims and immediate activity.

We undertook to answer the indictment, which had been drawn up by Musmanno, consisting of thirty-three distorted quotations from the Marxist classics. Our plan was to read the quotations cited in the indictment, show what book each one was extracted from, and then explain its real meaning, exposing the distortion.

If most of the jurors had not been hand-picked stooges of the prosecution we might have gone into greater detail, but at the very beginning it became evident that this jury couldn't follow a high, complicated discussion. So Aptheker tackled the answers in the most elementary way, giving American examples to explain the statements in the Marxist volumes cited. In several instances he showed that words had been taken out of their context to give an exactly opposite meaning to that intended by the authors. He exposed Musmanno as a charlatan who would misquote anything just to get us convicted. At one point, Aptheker said, "You could prove, for example, by this method, that Christ said, 'Go and Sin'; he did say, 'Go and sin'; but he said, 'Go and sin no more.'"

Cercone interrupted time and again and the judge upheld him, but we went on.

Since Musmanno had selected and arranged quotations in a way to put special emphasis on the "class struggle" and "revolution," "bourgeois property" and "force and violence," and "bourgeois family,"—words that the prosecution hoped would influence the jury and public generally—Aptheker explained each one of these as clearly as he could.

Some of these expositions ran as follows: "The Marxist classics speak of a class concept of democracy; it is not an abstract concept in terms of not having any relationship to the system in which it exists. I am certain many of you have heard the expression, 'The rich and the poor are free to starve.' The rich and the poor are free to starve freely. Clearly in this you have a class concept of freedom, because you know who is without food and who has it, like the idea that the 'wolf's freedom is the sheep's death'—if the wolf is free to eat, the sheep is then free to be eaten by the wolf—but that which is freedom for the wolf is death for the sheep." Then the witness quoted: "'Under capitalism the exploited masses do not nor can they really participate in the administration of the country, if for no other reason than that even under the most democratic regime, governments under the conditions of capitalism are not set up by the people, but by the Rothschilds, Stinnes and Morgans, and the Rockefellers. Democracy under that capitalism is capitalist democracy, the democracy of the exploiting minority, based upon the restriction of the rights of the exploited majority and directed against the majority. . . .'"

And Herb went on: "The Constitution of the State of Pennsylvania speaks of 'indispensable and inalienable rights' . . . But the Rockefellers and the Morgans own the means of production. They own the newspapers, they own the radio stations, they own television and so on. This power which they have, they mean to hold. Even when the people in the vast majority decide they want a change, they, the people, will not be able to hold to that power if they are not prepared. They must remake the state machinery, because the state machinery was made by the rich, and the rich will try to hold on to it and use it to destroy the will of the majority."

In refuting the prosecution's concept of force and violence as they are dealt with in the Marxist classics, Aptheker used an example from American history. President Lincoln was elected in 1860 on the platform denying further expansion of slavery. The

slave-holders had power. They did not accept the democratic verdict of the people. "Finally," said Aptheker, "a blood-stained slave oligarchy saw its national power ripped from it and its local internal power threatened by revolution of its people. Here is how this rebellion on the part of the slave-holders to nullify the verdict of the majority of the electorate took place in our country. They took up arms to resist the verdict of the people."

The judge interrupted with a question, "The Rebels were in a minority?"

"Absolutely, that is right," Aptheker answered.

"But the minority refused to give up their position, that is, their property?"

"That is right."

The prosecutor, becoming very impatient, mumbled that it would take this man a week to explain these matters—I answered him: "Listen, Mr. Prosecutor, I got plenty of time, you are trying to put me away for twenty years." That annoyed the judge, who snapped, "We have had enough of that, we are not going into all the reasons why Abraham Lincoln was elected President of the United States. . . . I won't allow any further discussion on that."

It was obvious that my witness did not please Cercone or Montgomery. The judge insisted that we were "argumentative." I demanded of him, "Why did you allow the government witnesses to do the interpreting? . . . What did Musmanno do everytime he opened his foul mouth? . . . How does it happen when my witnesses give explanations on the theory of Marxism and Leninism, it is argumentative, but when stoolpigeons talk about the meaning of these words, then that is 'testimony' . . . I didn't ask the government to put these quotations on trial. . . . If you are going to rule that my witness cannot explain these things then it is going to be almost impossible to carry on any of this examination."

The judge looked at me impatiently and asked: "Do you want me to rule on this?" I answered, "Yes, sir." The judge went on: ". . . You may read excerpts from the book, but you are not privileged to expound the theories, or bring in arguments to buttress your interpretations."

"Well, that is a different ruling from what you gave yesterday," I said.

The Court answered, "That is the ruling I am giving now."

I said, "Yesterday you permitted interpretations: what happened overnight, Your Honor?"

The judge didn't like this blunt inquiry but he made no further explanation. Instead he announced a break for fifteen minutes.

In the corridor there was excited discussion. It seemed that many different kinds of people, with various political ideas, had been attracted to the courtroom that morning. A small man, past seventy, speaking with a Scots burr, came up to shake Aptheker's hand, and said, "I am a believer in socialism, I was associated with Keir Hardy in Scotland. You know, even Lenin refers to him in *State and Revolution*." He added that he was mighty proud of Herb's exposition in court. "Keep it up, young fellow. Socialism is bound to win. They are after you now, but you'll beat them in the end. Look how long the Chinese fought, and they won, in spite of the United States' money and guns."

Others came up to shake hands, coal miners, steel workers, electrical workers, and just common people attracted to the trial. An elderly Negro minister from the Hill district said to Herb, "I have read your books, all but the last one you wrote. I get them at the Carnegie Library, and I enjoy them immensely. I had no idea the author was such a young man. I sure liked the way you used examples from American History in your testimony this morning. I bet many are the people in that courtroom who heard for the first time a true story of the American Negro."

As we were about ready to give up the corridor conference, a tall, husky, gray-headed man stepped up to Herb and said, "My name is Buck, I live in a hotel on Second Avenue." He pulled out a printed calling card and gave it to Herb, then went on: "I used to be a boxer, in fact in my young days, I fought the best of them. You heard of Harry Greb? He may have been before your time." Herb answered that he had heard of Greb, and the boxer said, "Then you know I was up in that class. But that is not what I wanted to tell you. What I wanted to tell you is: Give it to those rascals, God's with you, you are bound to win. As soon as court's over, I will go to church and pray for you; and of course I have been praying for Steve all along."

It was a wonderful feeling that even in the presence of FBI agents, stoolpigeons, and crooked politicians, decent people had the courage to come up and shake our hand, but they also took

valuable time. It was time we needed for preparation. If too many of the questions we had gotten ready were knocked out by the judge, and if areas we intended to cover were closed to us, we had to come up with something new or find some reason for going back to questions which deserved restating. A typical example, taken out of testimony that covered three days, of how we handled such questions was as follows:

Q. "Now on page 9, right after this long quotation that we cannot go into, there occurs a statement which reads: 'The abolition of bourgeois individuality, bourgeois independence and bourgeois freedom is undoubtedly aimed at. . . .' That comes from Exhibit 15 and that is the *Communist Manifesto*, is it not, Doctor?"

A. "Yes, sir."

Q. "What is the meaning of that, as the Communists teach it, and as you understand it?"

A. "This is an excerpt from a document over a hundred years old. Again in answering the question put to me, I want to concentrate on that which is new in this sentence as compared with previous testimony. That is: bourgeois individuality, bourgeois independence, and bourgeois freedom.

"Here I hope the jury will remember yesterday when an excerpt of the indictment referred to 'private property' and left out the preceding sentence in which it was made clear that the reference was to 'bourgeois property.' Here the essence of a true understanding of that sentence is to understand the class nature of its meaning, which is why it repeats the word 'bourgeois'; that is, the ruling class, the owners of the means of production.

"What does this sentence mean? Marx and Engels in writing this in 1848, according to what they believed to be a fact and what Marxist-Leninism believes to be a fact; namely, the limited nature of individuality, independence and freedom in a capitalist society. For example, in the capitalist system the worker becomes more and more of a cog in a vast wheel whose center and rim he does not see. . . ."

Cercone: "Your honor, do we have to listen to that?"

A. ". . . that is, the worker, he fastens one bolt on one part of an endless chain of automobiles. He does not make the automobile nor does he, as in olden times, make the carriage. There is no pride of workmanship. There is no ownership in that which is

produced. There is a loss of creativity. That is a loss of individuality. That is the meaning of this first part, about bourgeois individuality.

"The second, bourgeois independence: Marxists-Leninists, that is Communists, teach that that is related to the impotence because of poverty in our society which is geared to getting wealth, to becoming rich. This is related to the idea which I mentioned to the jury yesterday, the idea that the rich and the poor are equally free to starve or equally free to be unemployed or live in rat-infested tenements. Legally, perhaps, this is so. They are equally free to do this but in fact we know that with wealth does not go hunger, with wealth does not go unemployment, and with wealth does not go living in rat-infested ghettos and slums."

The Court: "Well, does it include that they are equally free to get rich or better their conditions?"

A. "No, they are not equally free to get rich. They are not equally free, because wealth begets wealth, because he who has wealth is in a much better position to get more than he who has nothing but his hands to labor with.

"I turn now to 'bourgeois freedom' and will try to make that as clear as I can in a minute and a half, since the court is in a hurry, in terms of what Marxism-Leninism believes that this sentence means.

"In terms of freedom, legally, the poor and the rich may publish a newspaper. We speak of the freedom of the press. The poor and the rich may publish a newspaper but the rich do, and the poor do not! Everyone knows why. Legally, both rich and poor may own a radio station, may take a month off for a vacation cruise. Legally, yes, but everyone knows who takes the cruise and who owns the radio stations and who pays for broadcasters. Now, who pays the piper calls the tune. Those are the facts of freedom in our society, essential facts we believe, I believe. This is what the excerpted passage refers to and nothing else."

"I am going to object to this witness' speech making," said the prosecutor. "He ought to read that stuff calmly."

"If that is the best objection you can make, then it is time you jumped out of the window," I chided Cercone.

One of the prosecution's favorite inflammatory phrases, dangled in front of the jury with sinister emphasis, was "bourgeois family."

Herb and I decided to put it into its proper setting and interpret it accurately:

Q. "Now, on page 27 of Exhibit 15, the *Manifesto*, the following lines were excerpted by the prosecution: 'The bourgeois family will vanish as a matter of course when its complement vanishes, and both will vanish with the vanishing of capital.' What is the meaning of that statement, Dr. Aptheker?"

A. "It is from the *Communist Manifesto* of 1848. The jury will please notice that in the sentence occurs the words 'when its complement vanishes.' When that which accompanies it vanishes. What is the 'complement' to which the document refers?

"This is one of the problems you enter into when excerpting because the preceding paragraph explained what this complement, this accompanying thing, was—to which the sentence refers. Among other things, it made clear that it was referring to such things as prostitution. That is the actual word used in the preceding material. It is referring to the fact that in the opinion of the authors, Marx and Engels, and in the opinion of Marxists-Leninists, in this class-dominated society, in a bourgeois society, one has the domination of the men and the subordination, the inferior position, of the women. In this connection it is very important to notice that this was written in 1848, when women's position was even more subordinate than it is now in many places. That is very important to understand because for example in 1848, a woman could not vote anywhere in Europe nor in our country. A woman worked terribly long hours for pay about one-third that of a man. That is what they had in mind in 1848. Women had no protective laws in labor; she was barred from practically all professions; she could not go to college and even what she earned was not hers. It was legally the property of the male member of the household.

"Now, all this was true when that sentence was written and some of it is still true in many parts of the world and in some parts of the United States. The point there is that what advances have been made in enhancing the rights of women have come because people have struggled for these advances. Women are in labor unions today, and so on.

"Finally, the point of this sentence is the bartering of love, the cheapening of the family—it is the existence of corruption in male-female relationship and it is the subordination of women that Marx

and Engels are attacking. This is the meaning of this sentence, torn from the *Manifesto*."

The Court: "You are limiting that to women?"

A. "Limiting what, sir?"

The Court: "The use of the word 'prostitution.' Would it not equally be applicable to minors, that is, children in industries or workers themselves, that you prostitute the workers, take undue advantage of them, capitalize on him, usurp the benefits of his endeavors?"

A. "The word 'prostitution' could be used that way although I submit, your Honor, that I don't think it is usually so used in the context of this sentence. The term 'prostitution' as used in the *Manifesto* is used in the more normal sense; that is the forcing of a woman into the sale of her body for sexual gratification."

The Court: "You use it in the commonly understood way, 'prostitution'?"

A. "Yes, sir."

In these political trials the prosecution has always produced stoolpigeons who emphasize the falsehood that Communists try to hide their views and are "conspiratorial" and secretive." Yet in this case, the indictment itself had quoted from the *Manifesto* the statement that "The Communists disdain to conceal their views and aims." We spent a good deal of the time explaining this point, showing that our views are not mysterious or hidden. Montgomery was quick to see what we were hammering at, and began to object that we were "argumentative," but the prosecutor wasn't on his toes and the judge couldn't make too many objections himself. He showed his impatience by tapping his fingers on the bench. Unconsciously he was probably playing the drums—his mind must have wandered to the band in which he exhibited his cultural talent. Finally he wandered back and interrupted Herb as the latter was saying, "In terms of what this means, may I point out that this sentence says, 'Communists disdain to hide their views'; that was said by Marx and Engels in 1848."

"There is no secrecy about it?" demanded the judge.

"That is right. There is no double-talk about it. That is the point I was trying to get at here," answered Aptheker.

Although the accusation of force-and-violence had been answered several times the prosecutor and the judge tried to bring

it up again and again. They hoped, by repeating the charge as often as possible, to create the impression that where there was smoke there must be fire. The judge attempted to "summarize" Herb's answers on this point. Herb objected, saying he preferred to let the record of his explanation stand as it was. He argued with the judge:

"As I understand you, what you are saying is that there are only two alternatives, a person can either be a pacifist or an advocate of force and violence. Now, sir, this is manifestly not true. I dare say there are very few pacifists in the courtroom; does that mean that everybody else is an advocate of force and violence?" The judge interrupted: "What are the others?"

"Believers in the Constitution," Herb answered. "The Constitution of the State of Pennsylvania, Article 2—I forget the section, and if the Court has it here, I will be happy to read the exact sentence that I have in mind to make this point clear."

Montgomery was embarrassed when he had to admit he did not have a copy of the State Constitution on hand. Cercone, the professional patriot, didn't have one either. Someone from the prosecution table ran over to the District Attorney's office but couldn't find one.

Finally, in the afternoon, a copy was produced from the law library. Herb offered to quote from memory so that the proceedings would not be delayed: "In article 2, and this is characteristic of many state constitutions, and of the Declaration of Independence, it says, 'We, the people, when the majority become convinced that we want a change in government, have the constitutional and inalienable and indefeasible right to reform or abolish that form of government and choose that which we want.' This, sir, is the meaning of my position in reference to this question.

Then I questioned Herb on the unity of theory and practice which the State tried to make sinister, Herb said:

"It was Marx who said, for example, 'when an idea seizes the masses, it becomes an irresistible power'. . . . This is true of all movements seeking changes, the necessity of unity of theory and practice. It is not something unique to Marxism-Leninism. You have to have a sound theory if you are going to have a sound movement. For instance take the movement for the abolition of slavery. Some people—as Garrison—held a theory in the Abolition movement that

the Constitution of the United States was pro-slavery, and that therefore the Abolitionists should have nothing to do with politics—not to vote, not to put up candidates—in fact should encourage the separation of the South. That was one theory in the Abolitionist movement.

“There was another theory, held by Frederick Douglass. Douglass said, ‘It is not true that the Constitution is a pro-slavery document. It’s really in its essence and in spirit anti-slavery!’ That was his theory, therefore he said, ‘Garrison is wrong, when he tells the Abolitionists not to engage in politics, and not to seek the election of people who want to do away with slavery. We must engage in this struggle under that Constitution and elect people who hate slavery and who will help us to do away with it.’

“See what I mean? They had a different theory. Having a different theory, their practice was different. . . . Which theory was right? Of course, Douglass was right because his theory was right, and Garrison was wrong because his theory was wrong. Both were tested by life, that’s what I mean.”

Then we turned to the subject of “Aesopian language,” and the claim that Communists used double talk.

Q. “In the preamble to the Communist Party Constitution, there appear the following words: ‘In the struggle for democracy, peace and social progress, the Communist Party carries forward the democratic traditions of Jefferson, Paine, Lincoln, and Frederick Douglass and the great working-class traditions of Sylvis, Debs and Ruthenberg. It fights side by side with all who joined this cause.’ Now, the stoolpigeon, Cvetic, stated that what I just read to you is double-talk. Will you please explain that, as it is understood by you, Mr. Aptheker?”

A. “There is no such thing as Communist double-talk; there never has been. I have never, in my years in the Party, talked double, and have never known of any Communist or any publication authorized by the Communist Party which had double-talk; which said one thing and meant something else. To dismiss something as double-talk, of course, can prove nothing. If one has such rules, a moron could defeat Socrates in a debate because—”

The Court: “Let’s not get into the argumentative stage, Doctor. I will have to limit you.”

A. “All right. Cvetic’s assertion that this was double-talk is

false; it is not double-talk and the Communist Party and its members try to speak as clearly and as concisely and as honestly as they know how. Now, with that understanding, without which understanding nobody could explain anything, the Preamble to the Constitution of the Communist Party says that the Party carries forward into our day and time these great democratic traditions of four great American figures which were mentioned, Paine and Jefferson, Douglass and Lincoln, and the working-class traditions of Sylvis, Debs and Ruthenberg.

"What that means is that the Party believes that it carries forward in our day the struggles and the leadership of these great figures for the enhancement of democratic rights. This is the meaning of the Preamble.

"Jefferson and Paine were leaders, of course, in the revolutionary effort to assert the independence of the new nation, the United States, from the exploiting hold of Britain. They were leaders in rejecting rule by monarchy and insisting on rule in a Republic through election. Jefferson was, of course, the main author of the Declaration of Independence. The Declaration of Independence is an immortal manifesto of revolution, declaring the equality of people, the necessity of majority rule, the consent of the governed and their right to change a government in any way that they decided is correct when they wished to do so. It is this type of heritage which that Preamble has in mind, in mentioning the names of Paine and Jefferson.

"Also particularly in the terms of both of those men, Jefferson and Paine, and their careers, we teach, lecture, and write about them, draw inspiration from them. In terms of internationalism both of these men were in France during the revolution against the monarchy, and both of these men were proud of their efforts to help France build a democracy. Paine was personally and directly active in such efforts in France. Both these men fought against any restrictions upon rights of free speech and free press and free religion, free assembly and so on. Jefferson again played an important role in the efforts to throw out the Alien and Sedition Laws passed in 1798. Those laws would have restricted and did restrict for a time the rights of the press and of speech. Jefferson led this fight against this restriction. This is part of what that Constitution's Preamble means when it refers to their democratic tradi-

tions and the fact that our Party is pledged to these and to the enhancement of them in our day.

"When it refers to Douglass and Lincoln, once again it refers to great revolutionary figures because those men devoted their lives and in this case, particularly Frederick Douglass, to changing a type of society which they did not like, which they thought was wrong, namely a slave society. In changing that they faced opposition from powerful interests and from most newspapers but they persevered through terrible hardships. Two bones in Douglass' arm were broken by mobs but he persevered in spite of this violence and resistance because he believed slavery was wrong. They were revolutionary leaders and they sought to change a fundamental property relationship. Under their leadership they confiscated four billion dollars worth of private property—Negro slaves—legally recognized at that time.

"One final point on Douglass, and it is this, and I have taught this many, many times. Douglass was not only a great leader in the fight against slavery, in the fight against discrimination and segregation and racism, he was also a great leader in the post-Civil War period, in what historians call the Reconstruction period. Douglass' great role is what our Party teaches, and I teach. This is the essence of the Preamble. This must be known if one is to understand that Preamble. This cannot be dismissed contemptuously as 'double talk.' And both Lincoln and Douglass had opposed the Mexican War as unjust and tried to end that war."

The judge didn't seem to like Herb's explanations. He and the prosecutor kept on raising the objection that my witness was too "argumentative." Not being lawyers it took us a little while to get around this legal obstacle, but we did find a way. Whenever the 'argumentative' objection went up, I would ask Herb, "Now, Dr. Aptheker, is that what you taught or lectured on in the Communist Party, or at meetings where you spoke as a Communist?" If his answer was "yes," he had a right to explain.

But to continue with Herb's testimony on the meaning of alleged "double-talk" in the Preamble to the Constitution of the Communist Party:

"William H. Sylvis was a worker of this State, a resident of Philadelphia before and during and just after the Civil War. As an iron molder, a very poor person, he did not even have a chance

to go to school, and he did not learn to read or write until he was about thirty years old when he was elected secretary of his union. Given that position he had to learn to read and write while very active in the working-class movement.

"Now what the Party brings forward in the career of William H. Sylvis is the fact that Sylvis was a great pioneer in trade-union organizations. He organized the National Molders Union—Iron Molders Union before the Civil War—and he led the struggles of that Union in the iron industry of Pennsylvania to gain union recognition, to reduce working hours from twelve and fourteen, as they were then, to nine and ten, and to increase pay and to generally bettering conditions of himself and his fellow workers. The Preamble, in talking of the tradition of this man, also refers to the intense patriotism which he showed during the Civil War, so that, under his leadership, the whole Union that he had organized, adjourned and volunteered all together as a separate unit to fight for the integrity of our country and against the slave leaders' force and violence. . . .

"There are two other working-class leaders who are referred to in this Preamble. One is Debs, and the other is Charles Ruthenberg. Debs is the great trade-union leader and the great Socialist leader in American history. I am confident that many of you have heard of Debs and know much about him. It is a fact that this man, a railroad worker, helped organize railroad workers and that in his struggles to organize was very heroic and on the whole very successful; that he resisted courageously the terror of the railroad magnates, the force and violence of the bosses and the slanders hurled against him by the press as some sort of a seditious monster.

"The Preamble of the Communist Party hails him for this courageous working-class work and struggle and trade-union work. It hails him too because after reading the works of people like Marx and also after his experiences as an American worker, he believed in Marxism. He became convinced of this and he became a Socialist. He became in fact the leader of the old pre-World War I Socialist Party.

"Eugene V. Debs, also as a Socialist, opposed the First World War. He opposed it because he believed it was an unjust and an imperialist war. That it was a war not for the benefit of the masses of people, of the little people, of the millions who died fighting

the war, but he believed it was for the purpose of enriching a handful and of gaining territory by a handful.

"Charles Emil Ruthenberg, a worker, was born in the Mid-West of our country and grew up in Cleveland; again a working-class background and upbringing. Ruthenberg also became, like Debs, a leader in the trade unions, especially in Ohio, organizing his fellow workers, fighting for lower hours, higher wages and so on, the normal work of trade-union activity.

"Now Ruthenberg also, through his reading and through his life, turned to socialism, to the idea. He turned to it long before, as did Debs, the revolution in Russia. Believing in socialism from his life experience he became a member of the Socialist Party and he became a leader of the Party in Ohio. Charles Ruthenberg also believed that the first great war was an imperialist war, unjust and against the interests of the masses of American people, and that it should be stopped. He called upon the people to write to Congress, to organize, to petition and to ask that we not continue the war but stop it."

Towards the end of Herb's direct testimony, I asked: "Doctor, would you please tell the jury what is your interest in this case? What I mean by that is, some of the prosecution witnesses are getting paid for what they are saying here. What is your purpose in coming here and testifying?"

"Well, there are quite a few purposes. . . . One is, because I know and respect and admire Mr. Nelson and his family and I wish to assist in his success. I am here because I am devoted to the principles of Marxism and Leninism, and to the principles of my Party, principles which I hold dearer than my life. I am very eager to defend these principles, the principles that have been brought into Court and have been distorted, and since this is my whole life I have come to defend Mr. Nelson and defend the integrity of Marxism-Leninism and of my Party. I believe that in defending him and the Party I am defending the best interests of my family.

"May I say that one of my basic interests in coming here is that I wish to defend our civil liberties and beliefs such as are involved here, and this is another of my interests in testifying in this case."

Here the judge was pushing for speed. With an irritated expression, he said, "The Party's interest, and civil liberties and the interest of the defendant. Anything else?"

"Yes, and the further point that I think is involved here is the struggle of the people for peace. I believe this is a fight for the interests of my country, and the American people."

This finished Aptheker's testimony—he had been on the stand for three days—and I turned to the prosecutor and said, "You may cross-examine." He pretended to be laughing, while in fact he was boiling mad. The nasty remarks which he had made from time to time during Herb's testimony were picked up by us at the defense table. Mr. Smith, the young Negro Assistant prosecutor, remained silent during the whole trial, and one got a feeling that he did not like the position he was placed in. Even before the trial was over he resigned from the district attorney's staff, but the political bosses persuaded him to stay until the end. His job was to sit there and act as a fig leaf for the prosecution.

The prosecutor tried his best to destroy the effect of Aptheker's testimony. His main efforts were directed towards smearing individuals or getting a contempt citation against the witness. He stayed away from discussion of Marxist theory, even though the theory was on trial. He stayed away from the position of Communists on the Korean war, or the general activities of the Party in the United States. All he could think to ask was: "What branch of the Communist Party do you belong to? . . . How many members are there in your branch or club? . . . What are their names?"

Afraid that this line of questioning might prolong the trial, the judge upheld objections for the first time.

When the prosecutor's door to this area was closed, he ran out of questions and Aptheker was off the stand.

While Aptheker was still testifying, I was busy discussing with my friends what to do next. Should we put on more witnesses? Should we rest with one? I favored the idea of putting on a few more. Even though the theoretical distortions of Marx had been dealt with, I felt we should expose the lies of the other stoolpigeons, especially those of Cvetic, the only prosecution witness whose testimony was legally "admissible" because he testified to things which supposedly took place within the period covered in the indictment. We wanted to expose his yarn about "infiltration" of basic industries, and to explain what happened at the so-called "secret" convention of the Communist Party which took place in the Carnegie Library in 1948. And we wanted to contradict Cvetic's claim that

"force and violence" were taught in the local Communist Party schools.

We settled on one or two more witnesses. The first of these was the local Negro Communist leader of many years, Benjamin L. Careathers. Ben took the stand a few minutes after Aptheker left, since the judge wasn't going to lose any time. We wanted Ben to go on the next morning, so that I might go over some of the questions with him, but it wasn't possible. However, Ben didn't mind going on right away. He said to me, "Perhaps the less we prepare the better. If we can't handle these little fascists by what we know up to now, another night won't change things." I felt good about his attitude. He didn't worry about the prosecution—he wanted to go at them. The testimony of the Negro stools had angered him and so had the sawed-off Caesar, Cvetic, with his constant effort to make it appear that the Party "used" the Negro question. He also wanted to refute testimony that the Party "used" the so-called "labor issues."

When the judge rapped on the bench and said, "Proceed next witness," Ben was in the chair in an instant.

He testified that he had first met me in the early 30's, on the steps of the State Capitol in Harrisburg, Pennsylvania, during one of the Hunger Marches. He had led a delegation of several hundred from Pittsburgh and I was with a similar delegation from the Anthracite Coal region.

Careathers introduced scores of leaflets to show what he and the Communist Party in Western Pennsylvania were doing. The prosecutor didn't want the leaflets read but the judge couldn't very well keep them out since the prosecution had brought in tons of literature, so he said, "Oh I'll let him read it, but it is a *'self serving declaration.'*" That is how a demagogue in judicial robes can appear to be "fair" while he sticks a knife in your back.

In less than an hour, Ben and I managed to cover much ground. His answers were short and to the point. He described his part in organizing the Steel Workers Union, when he was a member of the union's Organizing Staff in the mid-30's, and told how he went into Alliquippa to organize the Jones & Laughlin Works there. The prosecutor didn't like that—he didn't want it on the record that the Communist Party had played a key role in abolishing the open shop in the heart of the coal and steel empire.

Then Ben testified to the activities of the Communist Party in Pittsburgh in the unionization drive. Ever since he had become a member, back in the late 20's, the Party's main attention had been directed to organizing the workers into unions. As Ben related, it was most active in organizing Westinghouse, the aluminum and glass workers, and the steel workers.

Time and again my witness was interrupted by objections, which the judge sustained. I argued that the government stools had testified about "infiltration" of the basic industries, and we certainly had the right to bring out our real reasons for organizing the workers. Communists go into plants because that is where the workers are. The boss hires us as workers, we earn our living by working. We share the lot of the workers, so when workers gain shorter hours, or increase their wages, or win job protection, we stand to benefit with them.

But that isn't all, Ben explained: "Workers stand to gain most by socialism and since workers are in these plants we concentrate our agitation on these plants. What the prosecution calls 'infiltration' simply means that we work in the plant, but don't put a sign on ourselves so the boss can fire us. If we told the boss that we were Communists, we couldn't get jobs, so we don't tell him, that is all! What is wrong with that?"

As briefly as we could, Ben and I tried to expose the lies regarding Communist participation in strikes. At the end of 1949 and early months of 1950, the general strike of the miners for welfare benefits and old age pensions had taken place. Local papers did their utmost to help the coal operators smash the strike. The operators were well prepared: They had enough coal on top of the ground to last several months. Just prior to the strike they had made use of the Taft-Hartley law to slap down \$1,000,000 in fines through President Truman's Justice Department. The operators, counting on a split in the ranks of the CIO, the AFL and the Miners' Union, were sure they would win. Most unions had swallowed the government's cold-war program and were reluctant to strike, since employers and newspapers were quick to raise the cry of "disloyalty" and the labor leaders were quick to conform in order to avoid the charge of being "Communists" or at least "dupes of the Communists."

"In this situation the Communist Party called on all labor

to support the coal miners," Ben said, as he displayed the leaflets put out by the Communist Party and articles from the *Daily Worker* and *Sunday Worker* dealing with the strike. He told the jury that we had given out and sold thousands of copies of the *Sunday Worker*, and had been active in the relief campaign for the striking miners.

Angry as this testimony made the prosecutor, he couldn't block it since these very leaflets and literature had been introduced *against* me, to show my "criminal intent," as the judge phrased it. The only thing Montgomery could find to contribute to this phase of the discussion was: "Now, Mr. Careathers, you told us all about all the strikes the Communist Party 'was for.' Now can you tell us if the Communist Party was 'against' any strikes?"

Ben answered, "We support all strikes that workers stand to gain by. You see, the workers don't like to strike. It's not fun to hit the bricks, and go on for weeks without any pay. Employers don't give the workers anything willingly, therefore workers strike, and through their strength they make gains. That is why we Communists are behind the workers' struggles." He ended his answer with "Your Honor," turning his back to the jury for a moment, looking squarely at the judge. The judge did not choose to ask Ben any further questions.

Nor was the prosecutor pleased when Ben shifted to testimony about the terrible lot of the Negro people in the country and in the Pittsburgh area especially.

In less than two and a half hours Ben's testimony was finished, and Cercone jumped to cross-examine him. The little white chauvinist ran up to Ben in the witness chair and, without the ordinary courtroom courtesy of addressing him as "Mr.," shouted almost in his face "... You answer that!" I protested against this clear evidence of white supremacy and demanded that he treat my witness courteously. Ben remarked, "Mr. prosecutor, just step back there, and don't shout at me, you know better than to try to intimidate me. I'll answer your question in time."

Cercone stepped back and looked at the Negro jurors in the box. I noticed that he looked especially at the Negro male juror who worked at the Westinghouse plant, the one who had told the judge he was afraid if he served on the jury he might lose his job, that he was too old to get another job: he had worked thirty-three

years at Westinghouse and it would be two years before he would get a pension, and he didn't want to risk his pension. The judge had told him, "I will notify the company about your jury service duty." This juror showed a lot of interest in the case, and I am sure it was on his account that Cercone felt compelled to address Careathers as "Mr." and ask questions in a normal tone of voice.

Judge and prosecutor both tried hard to destroy the effect of Careathers' testimony without, however, asking many questions directly relating to it. Ben made short work of their charge that the Communist Party "uses" the Negro question. "That is slander, Mr. Prosecutor, and you should know it," he stormed, "when you infer that Negroes can be 'used' by anyone. That idea originates from the Nazi superiority race theory and from the KKK."

The prosecutor visibly winced, and finally turned to "softer ground."

"Mr. Witness," he asked, "were you ever in jail?"

I objected and technically the judge should have sustained me; but no, he had to take it out on us and he saw a good chance. He ordered Ben to answer the question.

Ben said, "Yes, I was in jail in 1940 for ten months as a result of a frameup just like this one. I committed no crime whatever. The prosecution had me arrested, and a dozen others on a so-called 'violation of election laws.'" The prosecutor objected, and the judge upheld him by saying to Ben, "We don't care what you were in jail for." The prosecutor kept at it: "So you were in jail for 'fraud'?"

"No," Ben answered, "I was in jail because of a frameup. In fact, other people who were framed on the same charge in the Eastern part of the State, I believe Allentown or Reading, had the case reversed by the higher court."

"We don't care what the court did in other cases," snapped Montgomery.

"No further questions." The prosecutor was through. Ben left the stand and walked out into the corridor, where scores of workers shook his hand and pounded his wide shoulders.

28. *"On Your Conscience"*

The prosecutor wound up his case with a Fourth of July oration. He appealed to the jurors to do their duty—save the country—save Christianity. The mob that had been on hand for previous occasions was in the courtroom now, responding as expected to the speech, and Montgomery made no attempt to stop them—not even the usual judicial threat to “clear the courtroom.” Only when I protested against this complete disregard for court procedure, did the judge open his mouth to say “Order!”

When Cercone's appeal to mob violence was over, the judge proceeded to rule against all my motions. Even things he had promised to act on were “forgotten,” and scores of illegal matters were permitted to remain in the record. Montgomery wasn't worried about “errors.” He wanted to cut my throat first and then “let the wheels of justice take care of the errors.” Riding high, he had no time to “dilly dally” around with me.

The morning the judge was to deliver his charge, the courtroom was packed with friends and enemies about equally divided. At 9:30 A.M., Montgomery was all set, but one of the jurors was late. I wondered why. He had been present every single day during the long drawn-out trial, week after week, never late. Today of all days, he was absent—one solitary chair remained empty in the jury box.

Shortly after the usual starting time, Judge Montgomery motioned to the prosecutor and myself to approach the bench.

“One of the jurors hasn't shown up yet,” he informed us. “What do you gentlemen say to replacing him with one of the two alternate jurors? Is that agreeable? Agreeable, Mr. Cercone?”

They looked at me expectantly, awaiting my decision. But instead of answering, I asked the judge: “Where is the juror? Have you tried to locate him?”

“No, I did not.” the judge answered with some irritation, as though resentful that I should seem to be telling him what to do.

But I persisted, suggesting that he instruct the County detectives to go out and locate the missing juror. I had a right, I maintained, to know why the juror was not present for the proceedings. One could feel a tautness in the air as this drama between the judge and prosecutor, and myself, unfolded. We were sparring and feel-

ing each other out. I was becoming more and more sure that something new and sinister had entered into the case, and my mind kept coming back to the question: Why are they so ready to replace the missing juror? Surely it is not because this juror is solid with the prosecution. On the tried and tested principle that what was good for the prosecution could not be good for me, I demanded that the Court locate the juror. If the man was able and willing all these weeks to fulfill his duties as a juror, if, as was the case, he had come every morning promptly on the hour during the entire six or seven weeks of the trial, then he should be granted the right to be an hour or two late before action was taken arbitrarily to replace him. Especially since, to the best of my knowledge, apparently no efforts had been made to produce him.

Finally, the judge gave orders to the detectives to go out and locate the missing juror. Two hours later, they appeared in Courtroom No. 8 with the man we were awaiting. But the whole Court was thrown into a turmoil by his appearance. A good part of his face was painted with iodine and a patch covered the bridge of his nose. His eyes, which were blackened, shifted nervously from the judge to the prosecutor to myself. The judge, after conferring with the detectives, announced that the man had had "a slight accident" but was OK now.

Now the judge could read his charge. He began to "explain the law" to the jurors, angling it so that they had only one course open to them: to convict me. There was nothing else for me to do. I just had to let the judge finish, and wait for the verdict.

Finally the jurors filed out to their room. My friends and I waited. As the hours passed we kept on looking at the clock and the light above the juryroom, the light that comes on when a verdict has been reached. When the court day ended, at 4 P.M., there was still no decision. The judge suggested that I go home and he would call me when the verdict was reached.

At 9 P.M. the jurors retired for the night. Scores of friends came to our house. Even while playing, the children listened to the big people's talk, their young minds on the case. As they went to bed, they wished us luck. Bobby choked up, but got upstairs before the tears ran down his face. Both he and Josie realized the meaning of twenty years in jail.

Next day at 9:30 we called the clerk and found out the jury

was still deliberating. At noon there was still no sign of a verdict. We went down to the courtroom to watch for the light over the juryroom, but nothing happened.

As the time of waiting lengthened, our hopes rose. We did not dare think that one juror might have had the strength to hold out—yet it *could* happen.

The judge gloomily suggested again that I might want to go home and wait. But no sooner did we get home than the phone rang. The judge was calling: The jury had reached a verdict. We rushed down and to my surprise, the courtroom was filled. All other cases were adjourned for this occasion. The jurors filed in. I looked at them and could see no sign of hope. They looked everywhere but at me.

Montgomery called for a report and the foreman strode up: "Guilty on all counts."

I asked that the jurors be polled individually. As they answered one by one, some rather weakly, some inaudibly, the courtroom was still as it had never been before. I stood before the jurors while they answered; some turned their head as they said "guilty." (The proper way was to say, "Guilty on all counts.")

When the last one had responded, I came close to the jury box and said: "YOU KNOW I AM NOT GUILTY. NOW LET IT BE ON YOUR CONSCIENCE, NOT MINE."

The judge was pale, at a loss for once what to do. It was highly irregular for a defendant to say anything to the jurors after a verdict.

Friends could not believe what had happened. The jurors filed out, some with glee and others with pain on their face and tears in their eyes. The mob was tense but not jubilant. The press table turned cold—men who had sat around for weeks went off to call in the big news, shaking the prosecutor's hand as they walked out.

We walked down the street talking about the verdict and were stopped by a woman, who was hurrying to the courtroom to hear what had happened. When we told her what it was, she said, "What a shame, what a miscarriage of justice!" and wished us luck. We did not know her, had merely seen her in the courtroom. Somehow this incident made it easier to tell the children that they must not lose heart, that in the end the people would render the verdict.

29. *"This Will Teach You How To Vote!"*

What *really* happened the night before the case went to the jury is one of the most shocking events in the long chain of fascist-like developments surrounding the trial. I reveal it here for the first time.

The missing juror—the one who had finally been located by the County detectives and brought to court in an obviously battered condition—used to frequent a certain club in his section of the city, and he had fallen into the practice of talking about the case and how the trial was going. On one occasion, he had declared to a few people at the bar that "Nelson was not guilty" and that "I won't vote to convict him, even though I don't agree with him."

On the night before the case went to the jury, he had again, over a drink of beer, expressed the same sentiment that "Nelson was not guilty."

Toward midnight, the juror left for his home which was only three blocks away. As he turned the corner into the street where he lived, four men jumped on him out of the dark, threw him to the ground, punching and kicking him, and cursing him with the vilest epithets. "You dirty s-o-b," one of them cried out above the juror's calls for help. *"This will teach you how to vote."*

But this was by no means the end of the story. In the juryroom, on the first ballot four "not guilty" votes were cast and a prolonged and heated argument developed. Some of the jurors "took off their gloves" and launched into a tirade of Red-baiting and intimidation against the jurors who opposed conviction. The conflict continued for hours and when the time came for the jury to retire for the night, the four "not guilty" votes still held out.

Next morning, the struggle was resumed. In the course of the morning, two women jurors who, together with two men, had voted "not guilty," weakened and gave in. Finally, one of the two holdouts, an older man, relinquished the fight and declared his readiness to change his vote. This left only the lone juror, the one who had been beaten up the night before, but who firmly continued to adhere to his conviction that Nelson was "not guilty."

The three other holdouts who had eventually weakened re-

mained silent, but the others, riding for the kill, became even more virulent and abusive, actually resorting to physical threats against the lone juror. Under the steady and unremitting barrage, his nerves gave out and he became hysterical. A court attendant was asked to inform the judge of the situation in the juryroom, and the latter called the County jail doctor to examine the juror. The doctor administered sedatives to quiet his nerves. And finally, after 26 hours of struggle—not deliberation—in which physical, moral, medical pressure was exerted to bludgeon a vote of “guilty” from him, the lone juror threw in the sponge.

All this time, I was not advised of the beating up of the juror on the night before the case went to the jury. The judge did not inform me about the conflict in the juryroom, or the fact that a juror had become hysterical and that a doctor had had to administer sedatives—although, since I was acting as my own lawyer, I was fully entitled to this knowledge.

Will Judge Musmanno, and his nephew, Prosecutor Cercone, and those who framed me, now speak up?

That is how guilty verdicts are manufactured in this era of McCarthyite fascists, witch-hunt trials and FBI stoolpigeon witnesses’ testimony. It is an era in which not only defendants, but honest people who happen to be picked for jury duty, are in danger of losing life and limb. That is how I received a 20-year prison sentence for “sedition,” plus five more years for good measure. And if they can do this to me, then why not YOU?

As to how I learned the facts which I have revealed in this chapter, that will be told at the right time and in the right place. Now, let my prosecutors speak first!

MY CLOSING ADDRESS TO THE JURY

Abridged Summary

Ladies and Gentlemen of the Jury:

I want to sum up what I consider pertinent in this trial, and what is involved in this case. I have here in my hands the opening statement of the prosecutor in which he said he was going to prove certain things to you. Yet, he didn't prove those things. All he did was to fan prejudice, bias, and hysteria. That's his main "evidence."

He said he was going to show that the prosecution has no "personal interest" in this case. This is enough to make a horse laugh. He has no personal interest in the case! Everybody knows that Judge Musmanno, the prosecution's star performer, used this case for his political advancement. He cooked it up with some of his other associates. As a result Loran Lewis became a County judge. Musmanno's nephew, Cercione, took the case over after Lewis became judge. And now Cercione says they have no personal interest in the case!

On page 449 of the Record, in his opening statement, the prosecutor said he would prove that I helped to plan the overthrow of the government of the State of Pennsylvania by force and violence. What evidence was brought to support this charge? None!

On the same page of the court record, he said he was going to prove the defendant is a member of a Fifth Column. What evidence was brought to prove that? Even the star performers on the stand did not give any testimony to support that charge.

The prosecutor told you he was going to prove that the Communist Party of the United States was a foreign-controlled organization. Even Cvetic, the key witness here, when confronted with his own testimony before two congressional committees, admitted that when he was asked, "Do you have evidence to prove that the Communist Party is foreign-dominated?" he answered, "*No, I cannot answer that question*"!!

The prosecutor was going to show that I was responsible for "infiltration" of the plants in this area. What did he prove? The defense brought out very frankly that we have to deny membership when we work in plants because no employer wants to hire or keep progressive workers in his shop or plant if he can help it. Could you have worn a union button while working in a plant ten or fifteen years ago? Could you wear a Roosevelt button in a steel mill in 1932 or 1933? No, you couldn't. Yet the prosecutor expects us to put on a Communist badge when working in a plant or mill or mine.

He said he was going to bring evidence of sabotage on my part in the mills and plants in this area. Aside from his opening statement, not another word was uttered to back up this charge.

They were going to prove that I was working to "infiltrate" the army, the ROTC, the National Guard, the Navy. What evidence did they bring out to prove this? The paid stoolpigeon Crouch said it happened in 1928. That's the testimony about work in the armed forces!

Cercone went so far afield that he was stopped by the court after my strong objections. Why did he bring in charges that had nothing to do with the indictment and which he knew he wasn't even going to try to prove? Because he counts on hysteria as his evidence. He thinks all he has to do is to stamp his feet and you jurors will jump through a hoop just like these witnesses of his. He said he was going to show what I did at one time in 1931 and until 1938 when I lived in the hard coal regions—the Wilkes-Barre and Scranton area. Did you hear a single word about it? That covers a period of eight years. If I were guilty of criminal action, why didn't the prosecution bring out the facts to you, ladies and gentlemen? All he did was to state that I was in the state of Pennsylvania and I lived in Wilkes-Barre. I can proudly tell you what I have done, things the prosecutor tried to suppress.

He said he would prove I am a spy. He didn't even try to prove this. And why not? Because he *couldn't* prove any such thing. The Communist Party is a political organization. A working class political party cannot gain its objectives by spying and sabotage. We can only win by discussing our position in open debate and through struggles that the people go through.

The prosecutor said he was going to show that we sell "seditious" books and that we read these books. Well, ladies and gentlemen, you have already seen how they interpret these books. You saw that these books were read and are being read and freely circulated in all democratic countries. Even according to Musmanno,

the only places where they couldn't be read freely were in fascist Italy and Nazi Germany and Franco Spain. Even he had to admit that. In other places, people read them and take out of them what they understand to be right for their country, for their situation.

Cercone, while making his opening statement, shouted, made wild charges that he didn't even try to substantiate, ranted, waved the flag, and then he stopped suddenly. The court was concerned, and remarked: "I didn't mean to preclude you outlining your complete matter before the jury." "That's all right," Cercone answered, "I have done that." The court urged him to go on, didn't want to stop him but he said he was finished. "I think I have done that," he said apologetically. That was the "outline" of the prosecution's case.

As I have already indicated, this is a trial of political ideas. This can happen in a country where there is no freedom of speech, where there is no freedom of thought, where there is no freedom of discussion, or where these freedoms are threatened as they are here today.

Suppose you held a social view not accepted by others. You want to present your idea to people. You, too, would be liable to arrest, especially if your idea contained something that is opposed to the few who want to bring about fascism in the United States and remain in power forever. Here, books are on trial! Some of the books brought in as evidence at this trial are a hundred years old. In the past they have been printed in this country and circulated quite freely. Abraham Lincoln was in communication with Karl Marx who wrote this *Manifesto*, one of the books on trial today. It was Karl Marx who organized support for the North during the Civil War when the British government wanted to help the South. Marxists helped to organize British workers' support to protest shipments of ammunition to the Southerners at that time. Lincoln wrote a letter to Marx extending his thanks on behalf of the American people for the support given him. But these people [pointing to the prosecutor] want to burn that book today. Just as the Nazis and Mussolinis burned them. That's what these people want to do, ladies and gentlemen. And when they burn *these books*, what is going to stop them from burning *other books*? Who is going to judge what books are right or wrong? In the past, our American tradition was that people read the books. They either read them or they didn't. How does anyone know what understanding you derive from reading a certain book? Or what understanding I get

from reading a book? The prosecution presumes to interpret my views! That is what is on trial here, *the right to read and the right to think!* Fascist book-burning is menacing us in this trial!

Ladies and gentlemen, this trial, a trial of ideas and books, is an ominous sign for our country. It is a danger signal. It is a straw in the wind that indicates that our traditional democracy is being destroyed and that fascist ideas are being smuggled in under the pretense of "defense of the country," "defense of the Constitution and our way of life," etc. Nonsense! Mockery, lies! Fascism is being smuggled into this very courtroom! This is the way the Musmanno-McCarthyite prosecution wants to bring it about!

My friends in various parts of the country are on trial today because they warned the people about this danger. That's why I am on trial. We don't want to see our country go through the horrors of fascism. All of you are old enough to know recent history. You know that under fascism, freedom of speech is done away with, elections are done away with, the right to criticize public officials and policies is done away with. The prosecution wants to limit our rights. I don't say we have fascism. Yet these are signs of fascism. We must stop it. That's what I am doing here and that is one of the things you will have to decide in this case—should we open the door to fascism? Under fascism police activity and courts are combined. You have seen already the liberties Musmanno takes upon himself as a judge. He acts as a policeman. He arrests me. He testifies as a witness, acts as a private prosecutor, and as a judge in the Supreme Court, he has the power to pass on an appeal. Police activity and court activity are combined under fascism. Musmanno and Gunther and other judges are doing this here today.

Under fascism, rights of labor are destroyed, there is no right to organize or to bargain collectively. Things that we fought for for the last hundred years would be swept away and the monopolists would have the final word on everything. Under fascism, extreme bigots and racists are in power. In our country, it would mean that the flag of the KKK would be raised on our federal government by the Bilbos, McCarthys, McCarrans, Rankins, and Woods, who dominate key committees of our Congress. I had to appear before the Congressional Committee presided over by people like Wood who gets elected to Congress by 8,000 votes in Georgia. Cvetic and Sherman ran to Washington to testify before him. Now they use that

"testimony" against me. It passes here as "evidence." These types of men would run the country under fascism.

You know what Hitler did to minorities in Germany. He exterminated six million people. First he branded them for identity. In this country, some don't have to be branded. I am speaking of the Negro people, the foreign-born. What happens to them even today? Under a fascist system, it would be a thousand times worse. That is another issue in this trial. The Bill of Rights is on trial, which guarantees freedom of speech and assembly. But this prosecution wants to pass on the speeches that you and I make. They want to judge what should be said. That is censorship, which exists under fascism. Here an attempt is being made to bring it into our country.

Fascism would lead to constant wars against other nations and to colonial conquests. Our sons would have to do the fighting for the few as the sons of the common people did in Germany. The boys in Germany had to march off to wars by orders of Hitler—what did they get out of it all? Six-foot graves—that's what they got. Twenty-five million people throughout the world were slaughtered. Fascism is a menace that we must not allow to take hold in our country. This catastrophe can be prevented. That's an issue you will have to pass upon in this trial. Do you want to open the door of censorship? In the past, the public either listened to you or didn't. But now they tell us we can't talk. That's the issue here.

In my party's fight against fascism in this country, we consider that the first step is to change the war program that our government is following at the present time. You recall that a telegram was sent to me by the National Committee of the Communist Party. Judge Musmanno introduced it in evidence. The telegram called for an end to the war in Korea. We did it because we thought it was dangerous for our country to embark on this type of a war; we said the people of our country would gain nothing from it. Therefore we wanted to stop it. What did we do to stop it? We circulated petitions calling for peace. The prosecution confiscated some of them before we had a chance to circulate them. A thousand petitions which called for peace were introduced as evidence of crime against me. Is it a crime to call for peace?

We called for an end to that war and thereby also for the prevention of the rise of fascism in the U.S.A. Civil liberties can be

defended better in times of peace than in times of war. We fought for the restoration of the freedom of speech. We fought to stop these kinds of trials which were fomented by demagogues who used the war fever and hysteria. These things were legal under our Constitution. That's what we did on the issue of war. We contend that wars are not inevitable and that the people could stop this war. Nowadays, there isn't a paper in town that hasn't in one way or other condemned the war, yet when I went down to see the editor of the *Pittsburgh Press* with the telegram from the National Office of the Communist Party and told him, "I'd like you to run this telegram in your paper," he answered, "That's not news." Every day tons of ink and paper are wasted to smear me and my ideas. That's news! But they wouldn't print the telegram calling for peace in Korea. So, ladies and gentlemen, you can see that one of the issues in this trial is the right to advocate peace, the right to call for an end to this needless war. The telegram from the National Board of the Communist Party was the very first document introduced in this trial. Did they think I was ashamed of this telegram? I am proud of it. That telegram is going to go down in history as an important document when the little sawed-off Caesars who are trying to frame me here are forgotten, swept off the face of history. If it is a crime to advocate peace, I have done it. If it is a crime to advocate peace within our democratic constitution by means of letters and telegrams and delegations and resolutions and by people's protests, I have done that, too.

Also, this is a trial of a minority political party. It is a trial of a party with which you don't agree or obviously don't know much about. They want to prevent my party from functioning although it has been in existence for thirty-three years. It functioned in the United States. Its views are known to all people who care to know about it. It has carried on great work in behalf of organized labor, in behalf of the unemployed, and in fighting for the rights of the Negro people. No other party has such a record. Now they want to put an end to that Party. They want to try me here for what I have believed and advocated for over twenty years. My work is an open book. I ran as a candidate, I spoke at hundreds and hundreds of meetings. There is nothing hidden about my past. But twenty years later, they want to bring me to trial because they need victims now. By convicting me they hope

to instill fear in others. They think I would be a good victim. But I refused to cringe and bow before them.

Ladies and gentlemen, we are on a dangerous path if these kinds of trials continue. I want to remind you that my witness, Dr. Aptheker, has already dealt with that question. He told you that this is not the first sedition trial in the history of our country. The very founders of our country, the writer of the Declaration of Independence, Thomas Jefferson, James Madison and others saw their friends put on trial for sedition in 1798 in our country. They were the original "seditionists." There weren't so many people in our country then so there weren't many courts either. One judge travelled from Boston all the way down South from town to town to try the "seditionists."

And who were the seditionists in those days? They were Jeffersonian democrats. Why were they being tried? Almost for the identical reasons that I am being tried today—they didn't want our country to go to war against France. The people of France had just overthrown the king and set up a democratic republic. The American people who themselves kicked out the British king sympathized with the people of France. Those who supported the king and the monarchy in our country started the sedition trials. They sent Judge Cox throughout the country to conduct the trials of Congressman Matthew Lyon, newspaper editors (one an Irishman in Philadelphia whose name was Duane), and a German-American, also from Philadelphia, whose name has now escaped me, and many more victims all over the country. They were found guilty of "sedition." Yet two years later, those vicious sedition bills were repealed and the people who lost property because they were unjustly jailed were repaid their losses by Congress. What remains of the Sedition Act of 1798? A shameful blot on the history of this nation!

In 1919 the steel and coal trusts wanted to prevent the organization of steel workers which was undertaken by William Z. Foster, the chairman of our Party, whose books are introduced as evidence here. This new Sedition Act, under which I am now being tried, was passed then by a majority of three votes of the State Assembly. It is this law that has now been revived and is being used to try to convict me. This law was used once in the so-called Woodlawn Case, when working men were framed because they wanted to

organize a union in the Jones & Laughlin steel plants, before there were any unions here—back before the thirties. Ladies and gentlemen, if I am convicted on this miserable evidence under this law, then this law is going to be used against others, especially against organized labor. What is to stop the corporations from finding fifty stoolpigeons who will say that a strike leader made a “seditious” statement, that he organized “force and violence” while he actually organized pickets? These workers face the prospect of being tried under this law, if you, ladies and gentlemen, permit the prosecution to have its way.

So I am not alone on trial, although I stand here alone before you. The common people and their rights are on trial. If you are a workingman or workingwoman, you are on trial, too. This seems like a strange statement to make to the people who will have to pass on this case. I say it without batting an eye because I am convinced that’s what is involved in this case. The whole future of the common people is involved.

The prosecution has extracted certain quotations from books as evidence. In fact, they put over thirty such extracts in the indictment. They have put their interpretations on them. They want to tell you what I believe, what those books mean to me.

You heard the testimony of my witness, a scholar and historian, Dr. Aptheker, who truthfully told you how we understood the ideas in those books. I told you in my opening statement that we would demolish every one of those distortions in the indictment and we have gone through them point by point, and have done that. I am sorry that we had to be quite so lengthy about it, but it had to be explained. You can’t take a quotation out of a book, and out of its setting, and say this is applied the same way today as it was applied at the time it was written.

Dr. Aptheker explained what Marxist and Leninist theory is. He told you these books explain what capitalism is and that they advocate a change to socialism. He didn’t deny that; I don’t deny that. He pointed out in his testimony how changes take place in history, that capitalism is on its way out. We explained that capitalism is bound for a change and that a people’s control and ownership of the means of production is bound to come. These books show that the workers, the common people, the farmers, have the most to gain from socialism. They show that the rich

who dominate our political life and have much to lose. These big boys who don't even know where their mines and mills are located keep coining profits out of them and are mortally opposed to socialism. One time Judge Mellon, appearing before a congressional committee, was asked, "Mr. Mellon, were you ever down in a mine?" He snapped, "No, no!"

These people make profit by taking other people's labor. They don't have to get up early in the morning and take the bucket and go down and work in the mines and mills. But is that the way the majority of our people live? No! That is the way a small handful of millionaires live. Consequently, they don't want a change. They have everything. But these books advocate a change. They call for using the mills and mines for the majority of the people. They explain how corporations grow ever more powerful and dominate the economic and political life of a country and when there is no room for further domestic expansion, they go beyond the boundaries of their country and try to dominate other people's natural resources and life. We call that imperialism. The prosecution says that when we criticize American imperialism we criticize the country. But I tell you, when I talk of imperialism, I mean Wall Street and not the country and not the people. These books also speak of fascism, they explain the reasons for war, and Dr. Aptheker showed you that we don't read these books as dogmas, we don't repeat them like a parrot nor do we repeat them like a phonograph record as the prosecution's witnesses claim. In every country they are applied according to the conditions in that country. The prosecution obviously couldn't tell you how they are to be applied in this country. What they did was to show you a caricature, a monstrosity, not an explanation of Marxism. These books show that we favor majority rule. We will show you that even the Supreme Court believed that was so. In the opinion of Judge Murphy. . . .

Mr. Cercone: We object to that.

The Court: We are not getting into the analysis of any law cases.

Mr. Nelson: If I was a lawyer, I would have introduced the Schneiderman case, which I could have done; but not being a lawyer, I didn't know how. Yet, I believe it is important for the jury to know what the Supreme Court said on this matter.

The Court: The jury will be instructed to take the law from the court, not as you quote it. Proceed.

These books hold, as my witness explained, that we do not advocate force and violence. That it is the small clique—those who are destined to be swept off their positions of wealth and power, those who would have to take the bucket and go to work—they don't want a change and it is they who organize force and violence. They will use everything in their power to stop the people from making advances to socialism. Therefore, even today they cripple democracy, put limitations on it. They organize attacks upon trade unions, frame active union workers and smash picket lines by force and by injunctions even when workers seek a small wage increase.

We have already shown that our party fights for the right to participate in elections and that it has done so every time we had a chance. There is a man in this courtroom, a gentlemen eighty-four years old, who ran for governor on the Communist Party ticket, for United States Senate scores of times. He was born in Pittsburgh. He helped to organize the first steel workers' union way back in 1892 in Homestead and was president of the first local.

We want a chance to present our views and our program to the people, our immediate program and our ultimate aims as well. We have always done that when we ran candidates. Force and violence is used by a minority who cannot convince the majority they are right. Whom would we use force and violence against? We would be maniacs to use it against ourselves, against the working people of this country. This is a ridiculous charge. It can stand up now only because of fear and hysteria. To ask for a fair interpretation of these books from this prosecution is like asking Hitler to interpret the Constitution of the United States. Would he interpret it in the interests of the common people? Would he interpret the 13th and 14th and 15th Amendments that grant rights to the Negro people? Would he apply it the way it should be?

Now these books speak of just and unjust wars. I don't deny it. I told you in my opening statement, ladies and gentlemen, that the war in Korea is unjust and that I am opposed to it. This prosecution wants to hang me for that. When a man is fifty years old and faces a twenty year sentence in the type of courts and jails that I have to face, that is a virtual death sentence. Yes, we have

called for peace in Korea. The prosecution did not bring in one bit of evidence to show that we have done anything except to try to convince the American people that it is a shameful and needless war and that it should be stopped.

Sure, those books speak about unjust wars and that there were times when they were stopped by civil wars. But to what situations does that apply, ladies and gentlemen? That applies to countries where fascism is in power, where there is no freedom of speech, where there is no right of elections, where there is no freedom of discussion. That applies not to our country or countries like France, Italy or Britain today, that applies to countries like Nazi Germany and fascist Italy. That is what the German people had to do, along with the help of the people of the world, in order to get rid of fascism. There could not be a peaceful end to Hitler's power. That's the way those books are to be read. But the prosecution takes a quotation out of context and says: "Here is what they mean." When one reads these books, one must bear in mind the imprint of the times. They are general in character. Certain things apply to one country and do not apply to all countries in the same way. Judge Murphy of the Supreme Court said . . . (Cercone objects): "Political writings are often over-exaggerated polemics bearing the imprint of the place in which written."

Then the prosecution says that we have some kind of code language, that at one time we mean one thing and another time we mean something else. Ladies and gentlemen, you cannot have one view one day on political questions just because you are on trial and then advocate something else the next day. I would not distort the meaning of the books, even if that were the only thing that would get me an acquittal here, because that would be playing a game in a great political movement and would hurt the fight for socialism. You cannot tell people one thing one day and expect them to believe you and do something else the next day. I stand by the convictions I have expressed. I reject the "interpretations" by the prosecution that we have secret codes by which we communicate our ideas to others. Our books and the ideas in them mean what they say in the English language.

Those books speak of the fact that our country is dominated by huge monopolies and large corporations. My witnesses have brought that out in their testimony. We showed that sixty families

control 250 of the largest corporations and that those 250 corporations control sixty percent of the basic industries of this nation. We have shown that in the city of Pittsburgh just two banking groups, the Mellons and Morgans, own United States Steel, Westinghouse, Aluminum Co. of America, Pennsylvania Railroad, Pittsburgh Coal, Duquesne Light, Crucible Steel, Gulf Oil, Koppers Company, Pittsburgh Plate Glass, Pittsburgh Railways, J & L Steel, aviation companies, bus companies, newspapers and radio stations, and this is not the whole list by far. These books explain that because of these monopolies' economic power, they also have tremendous political power, that in fact they dominate the two major political parties in our country and, through them, the government itself. The big boys who gather at the Duquesne Club determine who will be the candidates for political offices and for which office. The people have the choice of voting for one of their hand-picked candidates. But so long as we have our democratic rights, it is possible for the people to break through, despite the politicians' scheming, and elect candidates who are not under the control of the monopolies. It sometimes happens, and the big boys don't like it. It happens sometimes in local elections, in state and national elections, that people don't vote for the machine candidates.

The Congress of the United States, which I said has followed harmful policies on the Korean war and in cold war, is well described in William Z. Foster's book, *Twilight of World Capitalism*, which is in evidence here. Mr. Foster points out that the magazine *U.S. News*, in its November 26th issue, 1948, analyzes the makeup of our Senate: ". . . sixty-six lawyers, sixteen businessmen, nine farmers, and five others." This country has sixty million working people, not one is in the Senate. Who are these lawyers? Big Corporation lawyers who sit on the Board of Directors of the various big companies. There are some exceptions. What about the House of Representatives?—"235 lawyers, eighty-one businessmen, thirty-seven farmers, twenty-one newspapermen, twenty-one schoolteachers, forty-one others."

Isn't it true, then, ladies and gentlemen, that these big corporation lawyers who are in our Congress and Senate also run our government in the interests of those with whom they are so closely tied? Our government is surrounded by advisers and ambassadors who come from and are tied to Wall Street. Take Harriman, a

member of the Cabinet, Perle Mesta, the operator of the huge open shop, the Mesta Works. She is an ambassador. Neither the CIO nor the AFL could organize her plant, but she is a good friend of this administration and influences our government policy because she kicks into the election campaign more than labor can kick in. John Foster Dulles is the "special adviser" to President Truman. He was in Korea a week before the war started. What was this big Wall Street banker doing there? He has interests in International Nickel. That is a big war monopoly making huge profits out of this war right now. Nickel is needed in war production. Why would a man like Dulles want peace, ladies and gentlemen? Do you think Mrs. Mesta wants peace when her plant produces machinery for boring cannon? These people cluster around the administration and dominate and influence its policies. They didn't have that much elbow room in the Roosevelt administration. That's why they hollered at that time. They screamed about the "second term" and the "third term." They opposed him because he stood for democratic rights that are now being destroyed under the Truman war administration.

These people who now dominate our government follow a wrong policy abroad and a wrong policy at home. You know how fast Truman moved to fine the miners one million dollars because they went out on strike for an increase in wages. The companies have displaced thousands of miners with new machinery. The miners want protection, a shorter work day, a higher wage. Yet the courts come to the aid of the corporation by fining them a million and a half dollars. What did Truman do with the railroad strike? The same thing—he ordered the troops to break the strike.

I said that those who follow a wrong foreign policy also follow a wrong policy on the home front. The big monopolies and corporations want low wages and more profits. The common people want more wages and shorter hours. There is that constant clash of interests which leads to a continuous struggle. The rich use every advantage they have to get as much as they can out of the lives of the workers.

There's an old saying that one can learn a lot about a man by watching the company he keeps. Whose company does our State Department keep at the present time in foreign countries? In Italy it is friends of Mussolini who are supporting our foreign policy.

They extol the so-called Marshall Plan, while among them they continue to rob the people of Italy. But the anti-fascist workers and farmers and especially trade-unions in Italy are opposed to their present government. It's the same in France. It's the same in most countries. In Western Germany the Nazi generals whom our army defeated in the last war, like General Guderian who organized Hitler's armored columns, are now advising our foreign policy experts and helping to rearm Germany. Those who murdered our soldiers are now the friends of our State Department. But because we criticize these things, then we are to be framed for "sedition." Because we are opposed to deals with and recognition of Franco, who overthrew the democratic government of Spain, whom President Roosevelt wouldn't recognize, that, too, is sedition. Today, the Truman administration recognizes Franco and deals with him, in spite of the fact that during the last war he leased submarine bases to Nazis in Spain to fight against us. We ought to reflect upon these matters, for when we do we will see what kind of an administration we have by the kind of friends it keeps at home and abroad.

In the Far East, there seems to be no difficulty at all for our statesmen in getting together with Tojo's men in Japan. Many of our monopolies are taking over the wealth of Japan. The oil companies of that country are already tied with United States oil companies. The electrical industry of Japan is merging with United States interests and especially with Westinghouse and General Electric. American Big Business has huge interests and investments there. The papers tell us of rebellions in Indo-China, Tunisia, North Africa, the Near East, and Far East. And what are we doing about it? In those countries, the people want to kick out the monarchs and kings and foreign imperialists and want to set up their own democratic rule. Yet, foreign policy is to support the age-old puppets like Chiang Kai-shek, Syngman Rhee, Bao Dai, and others like them.

Supreme Court Justice Douglas wrote an article the other day upon his return from a trip to the Far East. He reports that no money in the world can keep those people from fighting for their rights. He criticizes the present United States policy in that part of the world. Yet because we criticized it two years ago we are charged with sedition. Nowadays many are beginning to see that

there is something wrong with our foreign policy. Ladies and gentlemen, my party's criticism of and opposition to our foreign policy is based on the conviction that it can and must be corrected lest we go down the road that Hitler took the German people. Did they dare to disagree with him? Some did. But those who dared to criticize him were accused by the Nazis of criticizing the *country* and were called foreign agents and thrown into jails, where many perished.

"You can't criticize my foreign policy when I go into Austria," said Hitler. "Put those who oppose me in jail, for they are enemies of Germany." Isn't that what they want to do with me? "You can't criticize me when I invade France, Belgium, Holland and Poland," said Hitler. "If you do, you go to jail." And that is what they are trying to do with us who oppose the shameful Korean war.

Ladies and gentlemen of the jury, the common people of the world disagree with the policy of this administration. They are rising against it. And the United States government, to my sorrow, is the one which is trying to put shackles on them so that the same United States corporations who own and control our nation can rob and exploit them, too. I will have no part of such a policy. As long as I can, I will criticize it and oppose it. Communists everywhere oppose such a policy and will continue to oppose it. One of the many reasons why I have been put on trial is because I maintain that the monopolists are coining blood money out of the Korean war which the taxpayers have to pay. Eighty-five billions dollars is our budget for armaments right now. That means five hundred dollars per head for each person in the United States. And what about the things you can't buy for money?—a hundred thousand casualties—a hundred thousand casualties already—American casualties. What about the innocent people, women and children that are being bombed by those gasoline jelly bombs in Korea? Do you think that is good? Just because those bombs are not falling on our houses? I don't think so.

Sure, Standard Oil, Gulf Oil, and the Mellons who make those jelly bombs like the idea of more bombings in Korea. You pay for it. Their millionaire sons don't even need to pull the trigger. No, they sit here at home and coin the cash. And because I am opposed to this tremendous war budget, this big war profit for the rich, and high prices for the common people, and because the war

racketeers in Washington are determined to continue making profits on war, I am supposed to go to jail. That's a fascist way of settling matters with those that oppose them, not a democratic way.

A witness, Dr. Aptheker, explained the books and what socialism is. I don't intend to try to convince you of the benefits of socialism; that is not the issue. You don't have to agree with me on the need or correctness of socialism. I think that socialism is a great idea and that it is bound to come. There exists no supernatural force which can compel us to tolerate the idea that factories and mills now in the hands of the corporations must remain so forever. The people can run the industries a thousand times better than the monopolists do. We could have shorter hours and leisure if we didn't have to keep these leeches on our backs.

Therefore, I advocate socialism which will do away with unemployment and will make it possible for people to work a four-hour day or less. The more machines we put to work the better. What happens now? When employers put more machines to work, then fewer workers have jobs. Why? Because the employers who own the industries don't cut down our hours of work when they put in new machinery. They keep extending the working day as long as possible, or till the unions stop them. Every time unions try to shorten the workday, the employers predict a "calamity"—"Doomsday is coming." In 1916, during the general strike of the Westinghouse workers, the company stated "We will have to move out of this valley if the workers get a ten-hour day." Well, my friends and I are after more than a shorter work day. Consequently, they have good reason to want to shut us up. But you, ladies and gentlemen of the jury, do not get anything from the gravy train of the Mellons. Some of you probably sweat for them in their factories. Your interests are different.

Socialism, which I advocate, would do away with overproduction which leads to depressions. Overproduction occurs because the people produce too much goods, more goods than employers can sell, and therefore workers are laid off. When you're laid off, you can't buy goods that are produced. What results is more unemployment and greater depression.

Every ten years in our history for the past one hundred years, this has been the pattern. The only thing that held off the depression at this time was the war program. I say that if a system has

to be kept alive by war, there is something radically wrong with it. So we Communists advocate socialism because it will do away with overproduction and starvation where there are plenty of things to do and plenty of goods in the country. We Communists believe socialism would do away with insecurities that people face today. Working people are always at the mercy of the boss. The boss determines their future. He decides whether he will keep them on the job when they get older, or because of illness. How long do we have to put up with that? But I am not asking you to agree with me at this time. All I ask is that you protect my right to advocate socialism. This has been a basic right in this country. Now certain pro-fascist forces want to shut off that right; they want to blot out the idea that a change is inevitable, that we can establish the brotherhood of man on earth—they want to stop that.

That's what these books teach. The American people are going to take the road to socialism when the majority are convinced. It can't be imposed on the people.

Ladies and gentlemen, through my witness, Mr. Benjamin Carathers, we have shown what our party did in the course of its existence. He is well qualified to speak on our party's activity. He was associated with the party here for over twenty years, and was one of its leaders—one who can't be bought for thirty-four pieces of silver. He took the stand in this courtroom even though he knew there would be vicious attacks on him. He told you about our party's program. He told you we fought for peace, for housing, for Negro rights, to organize labor, for unemployment insurance. These were the "crimes" we committed. There is a load of stuff in that pile—and a pile that isn't here, leaflets that the prosecution didn't bring in here but which they confiscated.

Cercone: Objection!

Mr. Nelson: You keep quiet until I get through.

The Court: Do you want me to recess, gentlemen?

Mr. Nelson: I am sorry, Your Honor. But the facts are different—I told you about it.

The Court: Neither one of you will give me any attention.

My witness has shown that he participated in and led struggles to build unions. Despite the district attorney's distortions as to our reason for doing that, he helped organize the workers for the purpose of protecting their rights and bettering their condition.

Ladies and gentlemen, a new thing has been added to this trial. Despite all arguments to the contrary, I will show you that what is on trial is the right to read books. A verdict against me would mean that we are going to open this country to witchhunting and burning of books. I read to you nineteen titles that a librarian testified are now available, that people can read. The prosecution has presumed it can determine what I obtained from these books, what conclusions I have drawn, and how I mean to apply what I have learned from them. What is going to happen to others who take these books from the library to read? Next thing they are going to do is to follow a system of card-filing, "Let me know when that book comes out so that we can send somebody to follow the reader, see where he lives." Such book-burning hysteria must be stopped in our country if our democratic system is to be preserved.

Now, ladies and gentlemen, I want to analyze the testimony of the witnesses of the prosecution. You heard the witness Crouch swear to tell the truth and nothing but the truth. He talked about secret meetings that the Communists supposedly held. You recall that I asked him: "Where were these secret Communist meetings?" On page 1241 of the transcript, he answered: "They were held in *Webster Hall, Manhattan Lyceum, and Center Hotel in New York City.*" You will recall that I asked him: "Is the Webster Hall a secret place, specially built for the Communists to meet in? Do you have to get into it through an underground tunnel?" After I pressed him for about ten minutes, I finally got an answer from him on Page 1323. His answer was "No." Then he said, "When we got there, we got badges." You recall that testimony. Badges. Badges. And yet he wants you jurors to believe that the meeting was a secret meeting hidden from the public.

Crouch testified there was a school held somewhere in California in 1941, long before the period covered by this indictment. If there was something done which was wrong, he could have reported it a long time ago. Yet he kept referring to the school as an "underground school." When he couldn't establish that, the Court ordered him not to refer to that supposed school as an "underground" school.

You will recall the big fuss Crouch made and his request for a sidebar conference because he had revealed his address and

someone was going to assassinate him! Why did he say that? That was an order to you to put me away—or else! He said that there were threats against his life. Let us look into this a bit.

I will refer you to the testimony of another performer for the prosecution. Witness Patterson was asked by me: "Did you have any difficulty leaving the Communist Party?" "No, I just left." "You just left?" A. "Yes." Q. "Did anybody put any obstacles in your way?" A. "No!" Q. "Nobody threatened you?" A. "No." Q. "And you didn't have to hide your address after that, did you?" A. "No, I never did." Q. "And you weren't troubled by anybody from the Communist Party in that respect, were you?" A. "No."

Yet, Crouch screamed like a stuck pig when he was ordered to reveal his address. He said he wouldn't have come here to testify had he known that he would have to reveal his address.

Crouch testified about the books that were supposed to have been used in 1941 in school in California. At several previous trials and before Senate Committees, he had testified as to what books were used at that supposed school. He never mentioned the three books that were introduced as evidence here, ladies and gentlemen. They are *The Program of the Communist International*, *Why Communism*, and *Manual of Organization*. He had never mentioned these three books in any previous testimony. In this trial these books are important in the prosecution's case so that when he was asked, "Did they use that book, Mr. Crouch?" he answered, "Yes, we did." You will remember at one time he hesitated and I said, "Go ahead and answer it, you know what the prosecutor wants," and he answered, "Yes, we did."

Cvetic admitted on the stand that those books were never used during the time he was in the Communist Party.

Here you have three performers, three different answers, even though these witnesses read the records of the various trials and try to stick to their previous testimonies, they keep contradicting each other.

Crouch testified to activities of the Communist Party in Pennsylvania. He was asked, "Were the Communist Party policies applied to Western Pennsylvania?" and he answered, "To a far greater degree than elsewhere." Now why more than elsewhere? And how does he know? He has never been in Western Pennsylvania. He doesn't know how the Party works here. But the answer

is necessary for Mr. Cercone and a little stoolie gives it to him: "To a far greater degree. . . ." He admitted he was never in Pittsburgh until 1950 when he came to testify and that he hadn't seen me for a long time. Yet he uses the expression "to a far greater degree!"

You will remember that Crouch testified he knew the editor of the British *Daily Worker*. . . . Then, ladies and gentlemen, it turns out that Mr. Rust died five years ago. Can you believe that man's testimony; a man who makes a racket out of testifying?

I asked Crouch, "Do you have a contract with the Department of Immigration?" He answered, "No." "Does your wife have a contract for testifying with the Department of Immigration?" He answered, "No." Ladies and gentlemen, I have here testimony that he gave before the Department of Immigration in which he was asked the question—

Mr. Cercone: Your Honor, that is objected to.

The Court: That is not in evidence here. You may not refer to it.

Mr. Nelson: Your Honor, this is the point I raised on cross-examination. He denied it. You want to look at it? I have the page number of the record: July, 1950, File 0300-30401, Pages 1138-1139, in the case of the name of I.W.O. Dymitrician.

The Court: I will not accept any more evidence. The record is closed. Limit yourself to the evidence that is already entered.

Mr. Nelson: Your Honor, he was asked the question here, and he denied having a contract. In this document he admits having a contract. His wife admits it.

The Court: That is not a part of the evidence and may not be said here or referred to by you.

Ladies and gentlemen, he testified that he appeared in scores of cases, each time receiving a daily twenty-five dollar fee and nine dollar expenses, plus fare, equal to a plane fare if he had to take a plane. He calls his job "Consultant for the Department of Immigration." I have dubbed it "Finger Man for the Department of Immigration." His tool is his finger, to finger people. He has a contract for \$100.00 a week, plus expenses. He says he testified in fifteen cases. His wife had also testified, although here he tried to deny that she was getting paid for it—"she is doing it as a

patriotic duty." In this document here, she has a contract. He said she's a housewife—it's a lie. You remember the performance he put on about losing money here. He claims that he loses money everytime he comes to testify. Well, when he began to complain about having to give his address, he let the cat out of the bag. He said he has a house in Miami and one in Washington, D.C. How does he do it, by losing money?

You will recall that Mr. Cercone tried to shield him on the question of whether he was getting paid to testify. The Court said in this record, "He admitted he is a paid witness."

So, ladies and gentlemen, the first witness for the prosecution, Crouch, makes a racket out of testifying; he earns his living from it. And he would think nothing of sending innocent people to jail—for that's the way he makes his living.

You will recall the discussion about Crouch walking through a picket line in Miami, Florida, organized by the Miami *Herald* workers. I pressed him to admit or deny this. He tried to weasel out of it. The Court asked, "Was there a strike on the Miami paper?" Crouch answered, "In one of the departments." Then when I pressed him some more and asked, "Did you go through the picket line?" the Court said, "He admitted there was a picket line around the plant." Thus it finally came out for everyone to hear that he did cross the picket line, and is just a common scab.

I asked Crouch, "Where did you go after you got either kicked out or booted out of the plant in Miami?" He admitted he went to the West Coast to testify against Harry Bridges. Then I asked him: "Did you know Harry Bridges?" He answered: "Oh, I knew him very well." I then confronted him with a record of his testimony before the United States Senate where he was asked: "Do you know Bridges?" He answered, "I know him slightly." Here he knew him well, but in that case he said he "knew him slightly."

There you have one of the prosecutor's key witnesses—Crouch—a professional stoolpigeon who goes around fingering people, making a racket of testifying, lying on the witness stand, putting on a performance here about a threat to his life. That's one of their star witnesses!

Now we come to another witness, a Judge of the Supreme Court, Michael A. Musmanno. You recall, ladies and gentlemen, that I asked him: "How many judges are there in the State of Pennsyl-

vania?" He wouldn't answer the question, but I think the figure we arrived at was about 200. I asked him if he knew of any other judge who has done what he did in this case? And what did he do in this case? I want you to weigh the facts even though he is a member of the Supreme Court and wraps himself up in the flag every time he needs to—which is the refuge of every scoundrel, at all times. . . . What did he do in connection with my case?

First of all, he personally came to take the material from the Communist Party headquarters. He took the material, not to the Sheriff's Office, but to his own Chambers. He admitted this to be an illegal act—and he is a judge and a lawyer. . . .

You will recall my questioning him about his sojourn in Italy in 1924 and 1925 when Mussolini was in power, when all decent people who had a choice did not go there. He went there to study, to study law, "Roman Law. . . ."

Then you will recall the article he wrote which appeared in the *Pittsburgh Press* in 1926 in which he defended the acts of Fascisti as "noble deeds of young fascists. . . ."

Musmanno is trying to bring fascism to this country, that's what he is doing. That's why he confiscates books and puts them on trial. That is why he arranges for an arrest and does the "legal" and the policeman's job himself. And while he is busy with his illegal acts he makes sure he gets the limelight and uses it in his election campaign.

You will recall the way he treated Miss Roth in the courtroom when she appeared as a grand juror. He kicked her out and made a long speech against communism. Five days later, he was named as a candidate on the Democratic ticket for lieutenant-governor. He came to our Party office on July 18 and 19 to pick up our literature, and on September 5 the election campaign was officially launched. He claimed that he fought against Communism for twenty-five years. But when people get lynched and bombed because they are Negroes and because they speak for their rights this man says, "We don't need any more laws to take care of that."

When the books were taken from the Communist Party offices, he wanted to have the offices padlocked. When he had me dragged into the courtroom and all of his stooges, like Sherman, got up here and lied on the stand to the effect that I said certain things on the radio—

Mr. Cercone: If your Honor pleases, I object.

Mr. Nelson: Sherman said that in the preliminary hearing; he got up and lied there. Why didn't you put him on the stand this time, Mr. Cercone, so I could tear his mask off? You knew I could.

He is the other star-performer behind this prosecution. They put \$100,000 bail on me, ladies and gentlemen, and put me in the County Jail, kept me there for thirty days. Musmanno used this stuff for his publicity in the election campaign. Three other judges finally cut it down to "just" \$50,000. You see, that's "reasonable" bail. Finally the State Supreme Court reduced bail to \$10,000.

You will recall that Musmanno answered "No" to my question: "Were you ever a candidate on what is known as the 'Mellon ticket?'" In the issue of the *Pittsburgh Press* dated Sunday, March 4, 1928, it says: "W. L. Mellon decided against another man by the name of Easton and put Michael A. Musmanno as a candidate in the legislative district." Why did Musmanno have to lie about that? It adds up to this: The more lies and the bigger the lies, the greater the likelihood that somebody will believe them. And that is the man who, on the basis of prosecuting and persecuting me and my friends, climbed up to the highest court of our state.

He prosecuted me and my friends in order to climb politically. His reason for doing it is not thirty-four pieces of silver which the other stools get; his is a bigger reason—he used me and my friends to climb politically. He doesn't intend to stop here. He has written a book in which he proposes that he run for President of the United States. Did you know that?

Mr. Cercone: Your Honor, I object. That is a complete lie.

Mr. Nelson: That is not a lie. I will produce it here and you will eat your words.

Mr. Cercone: That's a lie.

Mr. Nelson: You will eat your words.

The Court: The book was not offered.

Mr. Nelson: It is a fact, Your Honor, and any person who read the book knows it.

The Court: It is not a fact in evidence.

Mr. Nelson: It is called *Deep is the River*. It was written in Germany while he was over there in the AMGT. Not many copies have been read here, fortunately. People would have laughed at

the idea. This judge and lawyer was reversed five times recently by the State Supreme Court—I am not going to give here the particular cases again. I say a man like this is a menace. He spreads fascism, yet he is to interpret these books here because the prosecution says he is an “expert on Marxism.” He will do the same job as Hitler would have if Hitler had to interpret the 14th and 15th Amendments.

Ladies and gentlemen, not one iota of his testimony can be believed because it is biased, it had a political motive, it is dishonest, it is untruthful and based on lies.

Ladies and gentlemen, they had two more witnesses here from New York—Patterson and White. I won’t take too much time on these. They have testified to things that were supposed to have happened twenty-one years ago. Now if that is the best the prosecution can do, I think they ought to admit they have no case against me.

Now, ladies and gentlemen, I want to comment briefly on the testimony of Cvetic.

Cvetic said: “When I came back from Washington, from the Un-American Activities Committee hearings, I came to the American Slav Congress and I found him there with another man by the name of George Wuchinich.” Then he describes the conversation as follows: George Wuchinich said, “We should get machine guns and mow those B dash dash dash down.” He testified that I said, “Not yet, George. We are not ready for machine guns yet.”

You will recall that I asked him: “Did you report this when you testified before a Congressional Committee . . . about my being ready to shoot down congressmen?” No, he didn’t tell them, ladies and gentlemen, although he testified in Washington soon after this alleged conversation. But it becomes important for the Musmannos and the Cercones and the Shermans to have it brought out in this courtroom, a year and a half later. Why?

Again, ladies and gentlemen, I call your attention to another piece of testimony by this witness who makes a racket out of telling lies. Now watch this parrot once more. He made a statement here about my supposed conversation regarding the announcement of the development of the Atomic bomb in the Soviet Union. Listen to the words as he quoted them in this trial: “We have the A-bomb now, and the enemy will not be in such a g d hurry to

start another war." What did he say at the Committee hearings? "We have the A-bomb now, and the enemy will not be in such a hurry to start another war."

But, ladies and gentlemen, when he testified before a congressional committee, he said that this conversation took place at a meeting, but here he said it took place on Liberty Avenue and Smithfield Street. Now just think about those two statements. That is the whole crux of the prosecution's testimony coming out of this stoolpigeon's mouth. You will recall that I said while cross-examining him that all the government needs to do is "put a nickel in him and it will come out just as the prosecutor orders."

Ladies and gentlemen, the prosecution's case rests on the false theory that the Communist Party and I are controlled by a foreign power. When Cvetic was asked the very same question by Congressman Kearney, "Where are your orders taken from?" he answered: "From the National Board." Then Congressman Sweeney asked, "Where do they get their policy from?" and Cvetic said, "*I don't think I could answer that.*" That was in 1950, just soon after he went to Washington to testify. But two years later he can tell you on this stand that we "get orders from the Cominform." You see, ladies and gentlemen, this man fits his testimony to suit his purpose and the purpose of the prosecution. So that is another lie that even the blind can see. And that is their star local performer—Cvetic, upon whom their whole case rests.

In previous testimony, he stated he was getting ninety-five dollars a month from the FBI. Can a person live on that at the William Penn? Ladies and gentlemen, it is my contention that he was the stool of the anti-labor employers in this city, the Chamber of Commerce, and that he was making reports to Mr. Troy who was both the head of the Chamber of Commerce and the owner of the William Penn Hotel, Cvetic was living at the hotel gratis. He says he was getting ninety-five dollars a month at that time; later he was getting eight-five dollars a week. Even on eighty-five dollars a week, it is not easy to pay that kind of rent. Where did the rest of his expenses come from? Ladies and gentlemen, I say that he is a labor spy and that he was stooling on the Hotel and Restaurant Workers Union before he was ever asked to stool on the Communists. I contend that when he was about to be drafted in 1943, he settled for a job to stool on us and on the unions. Now

he becomes a "hero" for some people. He won't be that for long.

This agent testified about supposed "secrecy" in the Communist Party. You will remember he said there was a secret meeting or convention on the North Side where I was introduced to the membership. After a lot of hammering, he finally admitted there was a *closed convention* where only delegates attended.

You will recall Mr. Seibel's testimony. He is the Librarian who has custody of that hall. He said the Communist Party had rented that hall and that he rented it to the Party any time a representative of the Party requested it. The record given to the court shows that on July 9th and 11th, there was a convention of the Communist Party of Western Pennsylvania in the North Side Carnegie Library. Yet Cvetic tells us that it was a "secret convention"—an "underground convention."

One of the things Cvetic testified to was a meeting which I attended and at which I quoted from the *History of the Communist Party of the Soviet Union* in reference to "overthrow of the government by force and violence." He says the same thing was taught at a school he attended. He attended a class for three months which was taught by Bill Albertson, one of my co-workers. He testifies to one thing being said there: "overthrow the government," "overthrow the government." If the prosecution wanted to corroborate his testimony—and I asked the Court that the recordings be brought here—there were records made of everything that went on in that hall for five years. If it is so damaging then bring those records out and let's hear if there were any such things said there. I am ready to face the music; let them bring the records in. They haven't got such a thing on a record but they have a little stool who can get up here and jump through the hoop every time they ask him.

My witness, Mr. Careathers, told you that we don't believe in such things, that we don't teach such things. So did my witness, Aptheker. These two men are men of integrity. They would not back down any more than I would when it comes to telling you what our beliefs are.

Whose testimony are you going to believe? The men who make thirty-four dollars a day every time they testify, or men with dignity and principles for which they are ready to give their lives? that is the question, ladies and gentlemen.

To appeal to your sympathies, he spread the story here that

he is getting treatments by a psychiatrist for a heart condition. Even laymen know that when you have a heart condition, you go to a heart specialist. But he says he was treated for a nervous heart. Ladies and gentlemen, it would have been better for him to have said a nervous head is what he was being treated for. And this is the star performer here—a man who beat up his sister-in-law, broke her wrist—

[Objection—Sustained]

Now, ladies and gentlemen, this man testified against twelve people. He admitted that he got thirty-four dollars a day in each instance. He testified against a woman on relief, Toni Nuss. As a result of his testimony, she was kicked off relief. He testified against a school teacher who had eighteen years of loyal service. As a result of this testimony she was fired and ostracized. He testified against Nathan Albert because this man fought with others to do away with discrimination against Negroes at Highland Park Pool. His testimony helped to convict that man who is now serving a twenty-three month sentence at Blawnox. He testified against a New Kensington glass worker who had worked for forty-five years in a plant. And he got him fired off the job though the man is a vet of World War I, has a sick wife, and is now jobless. He testified against workers in Crucible Steel. On the stand here he stated, "The company asked me to testify," and then he switched to "The Union asked me to testify." But the first statement is the true one—the company asked him to testify.

He testified against a Negro worker who worked for twenty-seven years at the Isabella furnace, U.S. Steel Company plant at Etna, Pennsylvania. Just when this man was going to be transferred to the open hearth furnace where he could make a little more money, this scoundrel Cvetic, fingered him and got him fired—even though that man had a son in service at the time—in Korea if you please. Cvetic got the cash and the Negro Worker is still jobless.

He testified against a lawyer, Schlesinger, who defended me in a previous trial. In 1951 Cvetic and Musmanno ganged up on Schlesinger and had him arrested just at the time when Musmanno was running for the Supreme Court. Who was the star witness against Schlesinger? Cvetic. That frameup was so low that it was

thrown out by the State Supreme Court. By this time his stuff was wearing thin.

He testified in New Kensington against five men involved in a picket line incident. Those men got four years in jail on Cvetic's lying testimony. He had to admit on the witness stand that he got paid for it. Truitt, one of the victims in that case, had his dental establishment ruined. His wife had to sell their furniture and leave town and their children had to face insults and humiliation.

Mr. Cercone: Your Honor, he knows this stuff isn't in the evidence.

Mr. Nelson: It is in the evidence.

Mr. Cercone: Well, I don't know what you are talking about.

Mr. Nelson: It came out on cross-examination.

Mr. Cercone: We object to all this.

The Court: I think many of the statements are not in evidence. There was some reference to the case there, but I think for the most part the facts are not in evidence, Mr. Nelson.

Mr. Nelson: Just a moment, Your Honor.

The Court: I may be wrong, and I will stand corrected if I am.

Mr. Nelson: I am sorry, Your Honor, it will take me just a minute to locate this. I was pressing him, "Did you testify in the New Kensington case?" He tried to crawl out of it. And after I pressed him for some time, I asked the Court: "Your Honor, this is a paid witness, I think I ought to get this answer from him." And the Court said: "He has admitted it."

Mr. Cercone: Admitted what?

Mr. Nelson: That he testified against Truitt.

Mr. Cercone: Where is one word of what you told the jury, in the testimony?

Mr. Nelson: Page 1580—look it up. I am not going to do your research work for you.

The Court: All right.

Mr. Nelson: You've got the whole DA's office to work for you.

He admitted testifying against Harry Truitt and four other men and they were convicted. That is admitted by him. And the Supreme Court reversed that—after they spent ten months in the County Workhouse eating that slop at Blawnox. Yes, ladies and gentlemen, that's the star performer.

He admitted testifying against one of the former district attor-

neys in this city, Mrs. Marjorie Matson. Do you want the pages—1574, 5, 6 and 7—so you won't have to do any research work, Mr. Prosecutor?

When I asked him how much money he got for testifying against Mrs. Matson, he didn't know. "Did you get five dollars?" I asked. "I don't remember." "Did you get \$200?" He didn't remember. But he remembers exactly what somebody said two years ago—and if it is necessary, fifty years ago before he was born.

Ladies and gentlemen, this man is tied up with several judges and Harry Allan Sherman, who founded the ABC and who are either using that organization to make money or to make political capital for themselves. Both of these men, Cvetic and Sherman, appeared before the Grand Jury to testify against me. Those men would swear on a stack of Bibles to anything that would suit their purposes. The grand jury believed them, as it must when the prestige of County judges is involved. Then framing a case like this is as easy as rolling off a log. That's what they have done.

Their selfish purpose is to make money and to slander my Party and myself, to distort our views just in order to be able to grind out more blood money.

Those are the witnesses of the prosecution, ladies and gentlemen: Musmanno, Crouch, Cvetic, Patterson, and White*—all in the game to make money or political capital. How ambitious Musmanno is—it's well known to everybody. Why, in 1927 he had the audacity to debate a great man, Clarence Darrow, as to whether or not evolution should be taught in our schools! Musmanno said, "No." And Musmanno has a virtual control of politics in certain areas. Three of his relatives are on County jobs, on City payrolls, including Cercone, the prosecutor here.

Mr. Cercone: I didn't get my job through my uncle, don't worry.

Mr. Nelson: No, I'm sure you didn't—you got it by your brains, ha! There is a case of nepotism here, ladies and gentlemen, where these people are using politics to advance their own relatives.

Mr. Cercone: Your Honor, I don't think I have to put up with this from this character.

* White is now dead. He was killed in a Harlem apartment, and the story was hushed up.

The Court: It has been brought out before the jury, your relationship with the witness and he is criticizing the witness, attacking his credibility and charging nepotism. I can't protect you on that, it has been brought out and he has a right to argue about it. You may answer in such a way as you see fit, Mr. Cercone.

Well, ladies and gentlemen, compare their witnesses and the stake they got in this and the evil intentions behind their game, with my witnesses and you will see the difference as clear as day and night. I could have had more witnesses, ladies and gentlemen, if times weren't what they are—if people weren't persecuted if they dared to appear on the stand. I limited my defense as far as witnesses go to one expert on theory and to one witness who spoke about local activities, both of whom told the truth. They didn't speak for thirty-four dollars a day, or for a thirty percent cut, or for a job in the Supreme Court, or to become a judge in this court. I want you to weigh that when you come to discuss the case that is now before you.

Ladies and gentlemen, this kind of a case would be impossible in normal times, if it wasn't for this witch-hunt in our country, this anti-Communist hysteria that has been deliberately planned and fomented.

We had a witch-hunt in our country in the early days in Salem. At that time if anyone wanted to get even with somebody, all he had to do was swear that he saw so-and-so's wife riding through the air on a broom. Thus, innocent people were burned, murdered. On whose word? Ignoramuses, fools and liars. Does anybody see witches going through the air these days? Yes. You get them through the radio and the press. This is the modern version of the witch-hunt and it too rests on ignorance and prejudice. That's their whole case; it rests on ignorance and prejudice and they think the people are too ignorant to see through their lies. The means of spreading propaganda these days is in the hands of sixty families. Sure you have freedom to own a newspaper, but how many working people have a newspaper? How many can put their views on a radio or own a radio or TV station? It is the banks and millionaires who have the press and the radio. And who writes the copy? The man who writes the copy for a paper knows what the boss wants. If he doesn't write what the boss wants—he's through—just

as Cvetic would be through if he didn't say what Mr. Cercone wants him to say on the stand.

These are the people who have whipped up this twentieth-century hysteria witch-hunt against those who make any criticism of things they consider wrong in our society. I am one of those. But they can't say, "Nelson rode on a broomstick," so they say, Nelson said "overthrow the government"; Nelson said "force and violence," "use machine guns." That's the modern version of a witch-hunt. And who are the witch-hunters? It is the Crouches and the Cvetics and the Musmannos. They make blood money even if decent people hang. These people are capitalizing on this witch-hunt. All they have to say it, "Nelson is a Communist," and there will be people in the jury box who won't look at me for days. That's all they have to do. Yet can this be called evidence? There was a time when these newspapers couldn't even stomach Roosevelt. Eighty percent of the papers were against him, some called him a "red." Just look what they are saying about me. Did you ever see them say anything complimentary about me in the newspapers? No, sir. Well, that is the stuff you have been dished out day after day before you came to sit in this box, by them, through their mouths, through their organs. These people presume to tell you about my Party and me.

The prosecution told you that there are other trials where other people were convicted. They managed to bring these things in here which should not have been permitted at all. They want you to draw the conclusion from this that because someone else in Salem was convicted as a witch, you should do to me what was done in those other cases. That is a dirty, lowdown thing to do. To allow convictions elsewhere to apply automatically in this case is dangerous. That's what is being done in the South. Negroes are brought into court, white people sit on the jury, ipso facto, the Negroes are guilty. That is what this prosecution is trying to do when they refer to other convictions. A lot of old-timers in the trade union movement know that Tom Mooney was framed and that he was wrongly convicted by a jury, and pardoned years later, though he spent much of his life in jail.

You know of the conviction and execution of Sacco and Vanzetti. They were convicted in a period of mass hysteria. People all over the world know what a frame-up that was. The prosecution

itself admitted years later that Sacco and Vanzetti were convicted because of lying perjured testimony of stoolpigeons who were supplied at that time by the Department of Justice, the predecessor of the FBI. Yes, they were convicted and burned in the electric chair.

Eugene Debs was convicted, Charlie Ruthenberg was convicted. Years later, not too many years later, they were pardoned. It is agreed that they were convicted because of the political views they held at a time of mass hysteria and not because of any crime committed, ladies and gentlemen.

The recorded history of the State of Pennsylvania is full of such convictions, by the dozens. Since the prosecution decided to talk about these cases, we will talk about them here.

It is well known that union men have been framed and convicted because they organized unions here. One of the most shameful pages in our Pennsylvania history is conviction on the basis of stoolpigeon testimony, a stoolpigeon named McFarland, furnished by the Pinkertons, the predecessors of the FBI. . . .

Mr. Cercone: Your Honor, I object.

The Court: Yes, I can't let you go into the trial of other cases.

Mr. Nelson: Your Honor, I am just speaking of certain well-known convictions. I want to mention these convictions, that they were frameups like this one.

The Court: I will protect you adequately in my charge, but I am not going to have you analyze cases that occurred in another jurisdiction about which none of us know.

Mr. Nelson: Well, anyone that read history knows about them.

The Court: We haven't read all the history that you read, probably. I can't assume that the jury knows about it and I can't permit you to state as facts what you are arguing to them.

Mr. Nelson: Well, you may state that, Your Honor, to the jury if you will, but let me bring out my argument at this time.

The Court: You may argue all you want, but you can't state facts that are not in this record to this jury. I will not permit you to do so, Mr. Nelson.

Mr. Nelson: I can see where the prosecution doesn't like this kind of argument.

I think the whole country knows about the conviction of the Scottsboro boys . . . they were framed and freed finally after the protests of the people.

The Court: We don't know whether they were framed or whether they were freed, or whether they were even convicted.

Mr. Nelson: Well, anybody who knows history knows it.

The Court: Well, possibly we are not as well acquainted with history as you are.

Mr. Nelson: Now the prosecution has brought in the conviction of the eleven Communist leaders in the City of New York. I say, ladies and gentlemen, those men have been convicted by the same type of hysteria. I will not go into the case and describe it, but they were framed just as they are trying to frame me. They were the first victims of the Truman cold war policy. Even the CIO, ladies and gentlemen, which has swallowed the anti-Communist policy, condemned that conviction and protested the trial under the Smith Act. The candidate of the Democratic Party in the last election in this State, Mr. Dilworth, condemned that conviction.

Mr. Cercone: Your Honor, we object.

But Mr. Dilworth's running mate, Musmanno, would like to do more convicting. Former Attorney General Biddle, under Roosevelt, condemned that conviction. Justices Douglas and Black condemned that conviction.

Mr. Cercone: That is all objected to.

Mr. Nelson: Well, you brought it in.

The Court: It was not brought in, Mr. Biddle or Mr. Dilworth or anyone else.

Mr. Nelson: Of course, he wouldn't bring that in.

The Court: Well, you didn't bring it in either. . . .

Mr. Nelson: He brought in, Your Honor, what he wanted, and I thought I was perfectly within my legal right to discuss the case of the eleven Communist leaders. It was brought in by the prosecution.

The Court: Any time you bring in things that aren't within the knowledge of this jury, it is improper.

Mr. Nelson: *You let them do it, Your Honor.*

The Court: *I did it for one purpose.*

Mr. Nelson: *To prejudice my case; isn't that right? . . .*

The Court: *Well, hardly.*

Mr. Nelson: He said, "Do you know Eugene Dennis?" "Yes." Then he asked, "Do you know Ben Davis?" and then he listed the rest of the National Board members convicted in New York. Well,

ladies and gentlemen, the purpose of bringing in those names was to say to you that because a biased jury convicted them, therefore you must deliver the goods the way this prosecution wants it. The reason why I brought it up is different, ladies and gentlemen. I am not ashamed of being associated with these men; I know them well. They are no more guilty than I am. They opposed the cold-war policy, that was their "crime." And if they had been listened to then, if our country had listened to their ideas, there wouldn't have been a hundred thousand casualties in that disastrous war in Korea. They were tried at the very beginning of the cold-war, they were victims of that witch-hunt. I believe that their position will stand up in history.

Ladies and gentlemen, there was a lot of talk about secrecy by the various stools at this trial. I have already mentioned that there are many other organizations which hold membership meetings open only to their regular members. Such is the practice of the Masons, the Knights of Columbus, Maccabees, Odd Fellows, Elks, unions. Most unions have sergeant-at-arms at the doors, and only members are allowed in except on special occasions. The fact that we held meetings open to our members only becomes a big crime.

One of the ways the prosecution distorts our views in this trial can perhaps be best exemplified by the way they attempted to treat the Communist Party position in relation to the Negro question. You recall that their witnesses testified to the effect that the Communist Party "uses" the Negro question. You recall the answer of my witness, Aptheker's answer. He is one outstanding white person who had made a study, a lifetime study of this question and his integrity is beyond question. Although he is only thirty-six years old, he has already written at least eight or ten books and many pamphlets on the Negro question. The prosecution brought his books into this court, although they didn't dare to introduce them as "evidence."

When I questioned Judge Musmanno about the books that were found in the Communist Party headquarters, he said: "Oh, those books were derogatory to the United States." You recall that I asked him: "What about the books written by Aptheker that you found there?" And I asked, "Isn't it true that these books condemn slavery; that they criticize lack of democracy and they urge more democracy for the Negro people?" That's where Musmanno left

the question. They left it to the little mediocrity Cvetic to say that we "used the Negro question."

Ladies and gentlemen, the Negro people were brought here 300 years ago; for 250 years they were slaves; and since slavery, for nearly a hundred years, they have been second-class citizens.

We did all we could to help do away with discrimination, give the Negroes the right to vote, and make possible their full participation in our present-day democracy.

Would you say that is a condemnation of this country? No. That is a condemnation of a thing that exists in the country that should be wiped out. Mr. Careathers told you of the struggles he participated in on committees which fought to hire Negroes in the department stores, in offices, in the buildings around here, public utilities, in the County and in the City, where they had only token jobs. What jobs the Negro people did get were a result of a struggle of the people, Negro and white, especially labor. And we are accused of "using this question." Why aren't the Negro people given their full rights? Then nobody could "use" that question.

But what is really behind this thought? Behind this is the idea that the Negro people are below the level of other human beings, therefore "they should stay in their place." That's the idea Hitler had and that is Musmanno's and Cvetic's idea. That is why they speak with such indignity about the Negro people, claiming that someone can "use" them.

What was Mr. Cercone's attitude towards Ben Careathers when he was on the stand? Didn't you see him charge the stand, run up there and shout at him? If I shouted sometimes I had a good reason to shout at these lying rats. The prosecutor didn't do that to any white witnesses. And I read the transcript of Mr. Cercone's cross-examination of Ben Careathers and in nearly three-quarters of a day, he called him "Mister" twice—just twice.

Ladies and gentlemen, this prosecution still carries with it the stench from the slave market into this courtroom and because I and my Party oppose that, they have the nerve to say we want to "use the Negro question."

When Cercone was ordered away from the stand, when Ben Careathers wouldn't crawl before him as he expected him to, the best he was able to do was to raise the question of the so-called perjury conviction of Ben Careathers. Thirty people were framed

because they collected signatures on a nominating petition to put the Communist Party on the ballot in the 1940 election campaign. The names of the people who signed the petition were printed in the *Pittsburgh Press*. The employers called these individuals in and said: "Did you sign this thing?" As a result, scores of people, under fear and intimidation, were brought into this Court where they stated they didn't know what they signed.

You heard Ben Careathers state that anybody who signed his petition certainly knew what he was signing because Mr. Careathers has been well known as a Communist for years. He never denied that. Yet, these people, under the pressure of loss of jobs, fear and intimidation, stated what the prosecutor wanted. As a result, twelve people went to jail for it. That's the so-called perjury. The motive behind that frame-up was that the politicians wanted to keep my Party off the ballot. That only goes to show you how much democracy there is for working people, how limited it is these days, how politicians can use every avenue to block and keep workers from advancing their ideas. That is how Careathers and others went to jail for "perjury."

A year later, ladies and gentlemen, a similar case in Reading was reversed by the Supreme Court.

I want to appeal to you to judge this case on the basis of what you heard here. I ask you twelve ladies and gentlemen to go over the evidence and not to be influenced by the "thirteenth juror." There will be only twelve of you in the box. But there is the thirteenth juror, even if he is not physically in the box. The thirteenth juror is bias. The thirteenth juror is prejudice. He tries to influence you by outside pressures, by factors that are not in this case. The thirteenth juror is bigotry, narrow-mindedness, which can often have an influence in the verdict in a case like this. The thirteenth juror is fear of what some people may say if you should vote against the "popular demand" of the prosecution. The thirteenth juror is the boss for whom you work, who may be breathing down your neck and threatens to take away your job, and who most certainly is not a friend of mine.

I know it will take courage, ladies and gentlemen, to vote to let me be free under these circumstances, but I ask you to live up to your oath and to your conscience. You twelve ladies and gentlemen should be the ones that decide this question. Each and every

one of you has an independent mind and an independent conviction. And I hope you will be big enough to stand by that conviction. In a sense my life rests in your hands. Twenty years of a man's life, my life, is in your hands—also the lives of my family, my wife and children, and my friends. And beyond that, ladies and gentlemen, the bigger issue even than my life itself is the Bill of Rights and American democracy, the right to think, the right to read what you want, the right to speak.

I don't ask you to agree with my views on socialism. I know when I first heard of socialism, it took me some time to understand what it is. I don't ask you to weigh the validity of socialism or Communism, that's not the idea. All I ask is that you give me the right to advocate the views that I believe are right.

If you disagree with me on the Korean war, even that is not the issue. If you think it is a good war, that it should be continued, even that is not the issue. The question is: Do I have the right to say "No" and disagree with you or any one else? *That is the issue in this trial*.

We have always opposed heresy trials in the history of America. We have always opposed trials of political doctrines. And now *that* is the issue before you. Do you want to open the door to political trials? That is the great issue, ladies and gentlemen.

I know there are people who will say: "Well, it's not going to be any skin off my nose if I go along with Musmanno. What's Nelson got to give me?" That is why I fear the thirteenth juror. The thirteenth juror is likely to say: "Stay with Musmanno; it's easier; you won't be criticized."

I will leave it to you, ladies and gentlemen, to weigh and think this over. Remember that Musmanno started this case because he felt it would be a lead-pipe cinch to frame me.

I am quite proud of what I have done. I haven't done as much as some people. But I did the best I could. At the time I was active in the Anthracite region, we were in a great depression; mines were closed, factories were closed, the coal companies would take their mules out of the mines and feed them, fatten them up. But the miners and their families did not get such care. They were just locked out. They oiled up the idle machinery. It was greased so it was ready for use, but the laid-off workers had nothing to live on except the little savings or from what they could borrow from

friends. In those days I was one of those who fought for unemployment insurance.

Mr. Cercone: Your Honor, I am going to object.

The Court: There is evidence here that he did certain things, Mr. Careathers testified to some of his activities, as did some of the other witnesses.

Careathers stated that he met me in Harrisburg, if you please, Mr. Cercone, on the steps of the State Capitol—in 1933—during a “hunger march” as we called it in those days, by the unemployed from Philadelphia, Pittsburgh, from the Anthracite region. We had come to ask our Legislature to do something about the situation.

What did we ask for then? We asked that a tax be put on the rich so that when workers are laid off, they could get unemployment insurance. That’s what we asked for. And I was arrested for daring to be so bold as to demand that at that time.

Some people thought we were out of our minds. They asked: “What do you mean? You want a man to get paid when he is not working? Why you’re plain crazy!” they said. Yet, today we get unemployment insurance. People take it for granted. People who don’t know how unemployment insurance was won, are getting the benefits from it. The Communists were in the forefront of that fight. In fact, I was one of the first national secretaries of the movement for unemployment insurance. This was in 1930. At that time I was a young trade union worker.

We fought against forced sheriff’s sales. People were losing their homes because they couldn’t pay taxes. We proposed that the government do something about that. We pointed out that there was no problem getting billions of dollars for war, but when we asked for a billion dollars for relief, oh, how the papers hollered: “Why, that’s terrible.”

That’s “socialism.” Those were some of the activities in which I participated. The prosecution said they were going to prove that I fought in Spain, and that I was organizational secretary of an organization known as the “American League Against War and Fascism.” Our program called for stopping the Hitlers and Tojos and Mussolinis at that time and I was active in it.

At that time, the big corporations were selling scrap iron to Japan. We predicted that this scrap iron would fall on our own

hides unless Tojo, Hitler, and Mussolini were stopped. Some people thought we were out of our minds when we said that. But you know what happened. We could have helped stop the drive to fascism and war. I volunteered with three thousand other Americans, to fight against Franco in Spain. The prosecution says that my going to Spain is a crime; but I am very proud of it. The men around the prosecution supported Franco. We fought against Franco.

When you weigh these questions, therefore, ask yourself: Would a person who worked above-board, who is known to so many people, who read the same books as he reads now, and who did generally the same things that he does now, could he all of a sudden become a criminal? They have not shown any evidence of my recent activities that differs from what I have done in the past. They have attempted to frame me before. This time they have stooped as low as a snake in the grass to accomplish their aim.

In this courtroom, I have been handicapped by lack of legal counsel. I haven't studied law; I never opened a law book in my life until this trial where I had to go to trial without a lawyer. I was sick, ladies and gentlemen, when the trial started. I barely came through that illness. I am still handicapped physically, but I fought as best I could.

If you, ladies and gentlemen, were in my shoes; if the prosecution brought these monstrosities against you, you couldn't sit patiently either. You can't blame me for hating the prosecution. With the prosecution it's a job and money and a racket; with me, it's a fight for my life, for my principles and our democracy.

I have no apologies to make for my views. I want you to understand that. My political ideas and convictions are strong and deep-rooted. Ladies and gentlemen, if I had another chance to live my life over, I'm sure I wouldn't choose to change it. I wouldn't choose a different course because what I stand for will stand up in time. What the prosecution stands for will be wiped off by the broom of history. Yes, I can look any man in the face; I don't have to look at the ceiling like Crouch, who sold out for thirty-four pieces of silver. I don't have to shout for protection from the Court like Cvetic when he fumbled and numbled and couldn't answer questions. Or like Musmanno who had to appeal to the Court to protect his dignity.

Ladies and gentlemen, I stand by the leaders of my organization, who have been framed in the same way that I have been framed. I am not going to repudiate my views nor my friends, even if I thought there was a chance that such a repudiation would change the picture here. We are sincerely devoted to the people of America, to American labor, and that's why the war mongers have framed us. I stand by my leaders.

You, ladies and gentlemen, have it in your power to stop these political witch-hunts. Don't think these are matters for the upper courts to decide. You have it in your power to decide that there will be no more witch-hunts and that people with whom you disagree will not be hanged or put in jail for their ideas or because you disagree with them.

It is in your hands. Let me have the right to continue to advocate socialism; defend my right to fight for peace. Let me continue to have the right to fight for a democratic America, and for what I believe will be a new brotherhood of man.

Postscript to Second Edition

Five days after the trial ended, Judge Montgomery announced his candidacy for the Pennsylvania State Supreme Court; as part of his campaign he lost no time giving me a twenty-year sentence. My case went through the various stages of appeal. It was turned down by three County Judges who were the first to hear it; then it went to the State Superior Court, which also upheld the conviction and refused to grant bail pending appeal.

All this fitted in with the McCarthy-charged atmosphere of the times. Though the war in Korea had slowed to the negotiations stage, it still furnished fuel to my pro-fascist prosecutors. Political trials, loyalty hearings, McCarthyite investigations, deportations and denaturalizations continued.

And yet, despite all the efforts of its organizers and promoters, the cold war began to lose whatever "popularity" it had among the people. The barbarous twenty-year sentence, itself an outgrowth of the cold war, did not go down so well in this changing atmosphere. Many who disagreed with my political views condemned it—especially in England, France, Italy, Australia, the Scandinavian countries, Switzerland, Eastern Germany, Poland, and Czechoslovakia. Protests were made to United States representatives, consulates and embassies, as well as directly to the White House and the governor of Pennsylvania. Of course, the press that publishes everything "fit to print" never alluded to the protests.

The conservative Pennsylvania Supreme Court granted bail—much to the consternation of Musmanno, who sits on that court. Later it reversed my conviction on the grounds that I had also been convicted under the Federal Smith Act, which has priority over the state "sedition" laws. In its five-to-two opinion, the Court went out of its way to state that there was no evidence that I had advocated force and violence against the State of Pennsylvania, and clearly implied that Musmanno had used the case for his own political purposes. Infuriated by this decision, Musmanno and his cohorts in the Republican Party headed by Truscott, then attorney general, appealed the case against the State of Pennsylvania to

the United States Supreme Court. But they were not content with that. To strengthen their weak moral and legal position, they lined up a bloc of twenty-six attorneys general to join with them as *amicus curiae*. In this way, they hope not only to uphold the conviction and twenty-year sentence against James Dolsen, Andrew Onda, and me, but—even more important to them—to save the sedition laws in order to use them against others, thus stripping the Bill of Rights of what is left of its essential meaning. Such crude political pressure on the United States Supreme Court has not been witnessed before in recent years. And the Musmanno-McCarthy cabal, knowing that political pressure is nine-tenths of the law, are working day and night to accomplish their fascist aims in a “legal” way.

Liberals, labor and Negro leaders are beginning to see the meaning of this conspiracy to save the sedition laws throughout the land. Labor, for its part, condemned the various efforts in Congress to preserve this legislation and, through it, to legalize the “right to work” laws directly aimed at labor unions. Negro leaders show concern and fear that the sedition laws may become weapons in the hands of states-righters who oppose desegregation in the schools.

In June, 1955, the Circuit Court in Philadelphia upheld the Smith Act conviction, thus adding five years to my sentence. This time, however, two eminent judges, Hastie and Maris, strongly dissented from the majority decision. They also stated that there was no evidence of guilt, as did the Pennsylvania Supreme Court in the sedition case, and added that there should have been a directed verdict of acquittal and that the views we advocated were protected by the First Amendment. Thus, the case is going to the United States Supreme Court with seven of the fourteen judges—two in the Circuit Court and five in the State Supreme Court—clearly stating that there was no evidence of crime in either trial, while the other seven of the fourteen still reflect the ominous presence of “the 13th juror.”

The United States Supreme Court will have this case before it in a changing atmosphere, with the weight of previous dissenting opinion voiced by seven judges, and with a record of the complete exposure of all the stoolpigeons and manipulators upon whom both Pittsburgh convictions rest.

Cvetic's testimony, in three separate instances, has been thrown out of the courts as unbelievable. He has been in and out of a psychiatric ward where he has been receiving shock treatments for mental illness.

Crouch is no longer being used by Attorney-General Brownell because the government lost several cases where he was the chief witness; neither the judges nor the juries believed his testimony. He is now writing articles for the fascist *Facts Forum*.

Leonard Patterson has met a fate similar to Crouch's

White was mysteriously killed in a brawl in New York, a fact hushed up by the government.

Mazzie and his wife have been caught in a bald-faced lie, and face possible perjury prosecution.

Finally, and not least important, the major culprit, Musmanno, was exposed for what he is when his recent attempt to frame and blackmail John Mullen, the steelworkers' CIO Political Action Director, exploded in his face. This happened when Musmanno, with his entourage of stoolpigeons—Cvetic, Mazzie, Mrs. Mazzie, Harry Allan Sherman—appeared before a Senate Committee and attempted to pin a "Communist" label on Mullen because he would not agree to a "fix" urged upon him by Musmanno. Mullen refuted the stoolpigeons' testimony, thereby nailing Musmanno as a cheap liar and a fixer. The CIO leaders in Pittsburgh passed a resolution expressing their confidence in Mullen and their concern over the use of these paid informers, and demanded that the latter be investigated. Mullen offered to take a lie-detector test, insisting that Musmanno do the same. The usually garrulous Musmanno's answer was a lame "I have told the truth" and *he refused to submit to the test*.

Earlier, Musmanno had urged his fellow judges, Ellenbogen and O'Brien, to impound the record of the hearing on the attempted fix but even that didn't save him. To date Ellenbogen has made two "explanations," but the more he explains the thicker the stench becomes. Even the conservative Republican district-attorney, John Malone, appeared before the Senate Committee in the hearing on Mullen and testified that Musmanno had attempted to use his influence to protect two crooked councilmen, who are now in jail for accepting kickbacks. Commenting on this situation, the *Pittsburgh Post Gazette* of June 18, 1955, said with studied restraint,

"At stake, too, is the integrity of a man who sits on Pennsylvania's highest judicial body."

Since it is now becoming evident to some judges, as well as to the CIO leadership in Pittsburgh, that Mazzie and his wife, Cvetic and Musmanno lied in order to destroy the reputation of a labor leader, many people are convinced that they lied all the more when they testified in political trials. "Informing is a dirty business, and . . . some of the dirt is quite likely to rub off on the practitioners," the *San Francisco Chronicle* once stated. Inevitably the truth had to come home to roost: Crouch and Patterson discredited, then discarded by the Government; White mysteriously killed; Cvetic a proven psychiatric case; both Mazzies and Musmanno caught in lies and attempted frameup. What will the United States Supreme Court do about the utter destruction of legal processes where these informers are the principal witnesses—and where the Musmanno demagogues run the courts? Will the Justices face the issue, or will they, as judges often do, turn a deaf ear? That depends upon the people. Only their voice can put an end to such cynical political frameups and restore the Bill of Rights and the Constitution.

I hope that this book contributes to that realization.

Steve Nelson

Pittsburgh, Pa.

July, 1955

Also by STEVE NELSON—

THE VOLUNTEERS

A personal narrative of the fight of American volunteers against fascism in Spain. in the fateful years of 1937-39.

An M & M Book

Price \$1.00

What they say about—

THE 13th JUROR

By STEVE NELSON



Eugene Debs once declared: "So long as another is in chains I am not free." This saying will recur to every reader of Steve Nelson's book. So real are the records of Nelson's imprisonment in the Blawnox workhouse—the cruelties of the guards, the corruption of the management, the general inefficiency of the institution toward any legitimate purpose and its lapse from human decency—that the reader shares the writer's experience of suffering.

Still more in the account of Nelson's trial—framed by a conspiracy of judges and informers, without legal advice and forced to defend himself—does the reader fall into the victim's role. And above all the warning that Nelson's fate may be everyman's brings one to cry: "There but for the grace of God go I." For all these reasons "The 13th Juror" is an important and appealing book, a political exposition and a human protest—and a call to courage.

—*Professor* ROBERT MORSS LOVETT

... about your book. It is utterly absorbing, well told, and readable. It is also, of course, harrowing, shocking and surely will arouse indignation in all honest people. You need never have any doubt about your ability to communicate in a simple, direct literary style—which is always the best and the truest.

ALBERT MALTZ

The book is the story of Mr. Nelson's trial, of his own superb defense, and of the months he spent in Blawnox workhouse. That is merely to say what the book is about. It is made of something else—of the spirit and courage of a great man and great writer.

HOWARD FAST

Price \$1.50

MASSSES & MAINSTREAM • 832 Broadway, New York 3, N. Y.